

Board of Nursing Regulations

SUBCHAPTER 1. PROGRAMS IN NURSING EDUCATION

13:37-1.1 Eligibility for accreditation

(a) For purposes of this subchapter, the term "accreditation" shall include the accreditation of professional nursing programs and the approval of practical nursing programs.

(b) The following educational institutions are eligible for accreditation to provide nursing programs:

1. A school, division or department of nursing authorized to operate by its own charter, articles of incorporation or resolution of the governing board of its sponsoring institution;
or

2. Degree granting institutions licensed by the New Jersey Commission on Higher Education and accredited by a regional accrediting agency recognized by the United States Department of Education.

(c) The following educational programs, when offered by an institution that meets the requirements of (b) above, shall be considered eligible for accreditation by the Board as nursing programs:

1. Generic doctoral degree programs: For purposes of this subchapter, a generic doctoral degree program means a program conducted by an educational institution with a program in nursing, which leads to a doctoral degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting doctoral degrees;

2. Generic masters degree programs: For purposes of this subchapter, a generic masters degree program means a program conducted by an educational institution with a program in nursing, which leads to a masters degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting masters degrees;

3. Generic baccalaureate degree programs: For purposes of this subchapter, a generic baccalaureate degree program is a program conducted by an educational institution with a program in nursing, which leads to a baccalaureate degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting baccalaureate degrees. Registered professional nurse completion programs, which are educational programs that provide licensed registered nurses who do not have a baccalaureate degree the opportunity to complete their baccalaureate degrees, shall be considered baccalaureate degree programs;

4. Associate degree programs: For purposes of this subchapter, an associate degree program means a program conducted by an educational institution with a program which leads to an associate degree in nursing and makes a student eligible for licensure as a registered professional nurse. The educational institution shall be licensed by the New Jersey Commission on Higher Education for the purpose of granting associate degrees;

5. Diploma programs: For purposes of this subchapter, a diploma program means a program conducted by a nursing school under the sponsorship of a hospital or consortium of hospitals in the State of New Jersey, that leads to a diploma in nursing or, in collaboration with a college or university, grants an Associate in Applied Science degree or Associate in Science degree; and

6. Practical nursing programs: For purposes of this subchapter, a practical nursing program means a program conducted for the purposes of providing education in practical nursing, that leads to a diploma or certificate in practical nursing, and which is not operated by any local, county or State Board of Education in this State. A practical nursing program that is operated by a board of education is not under the jurisdiction of the Board pursuant to N.J.S.A. 45:11-24 and is not required to meet the requirements of this subchapter.

13:37-1.2 Application for establishment of a new program in nursing

(a) An educational institution seeking to establish a new program in nursing shall submit in writing to the Board an application consisting of the following items:

1. The type of program, for example, generic doctoral degree program or baccalaureate degree program;
2. The philosophy, organizing framework, objectives and outcomes of the program in accordance with N.J.A.C. 13:37-1.5;
3. Evidence of financial resources adequate for the planning, implementation and continuation of the program, including a projected five-year budget;
4. A table of organization describing the lines of authority and the administrative structure of the program;

Board of Nursing Regulations

5. Curricula vitae for all faculty and consultants responsible for the development and administration of the program; and

6. A letter from the chief executive officer which reflects that he or she has secured initial and continued financial support for the program.

(b) An application to establish a new program in nursing shall be submitted to the Board no later than eight months prior to the proposed establishment of a new program.

(c) After reviewing the application, the Board shall either:

1. Grant permission to pursue the development of the proposed program. However, such permission does not ensure that provisional accreditation will be granted by the Board;

2. Require revisions to the proposed program or to the materials submitted as required by (a) above or the submission of additional information. Revisions to the proposed program or to the application materials does not ensure that provisional accreditation will be granted by the Board; or

3. Deny permission to establish a new program.

(d) The educational institution may request in writing an appearance before the Board for reconsideration of the revisions or denial based upon (c)2 or 3 above within 30 days of written notification of the required revisions or denial.

(e) After receiving permission to pursue the development of a new program, the educational institution shall submit to the Board the following items no later than four months prior to the anticipated start date of the program:

1. The number of students to be admitted to each of the first four classes after establishment of the program;

2. The projected maximum student enrollment;

3. Admission, progression, retention and dismissal policies;

4. Appeals policy for any disciplinary matter;

5. A description of student services;

6. A plan for increases in faculty commensurate with increased student enrollment;

7. The curriculum plan, including course objectives for all nursing courses;

8. A written statement describing the support staff; and

9. A written Systematic Plan for Program Evaluation of the effectiveness of the curriculum. The Plan shall identify the communities of interest, which include any person or group who is interested in the quality of graduates from a nursing program, and shall include:

i. The components being evaluated;

ii. The responsible party for evaluating the components;

iii. Outcomes that reflect program objectives;

iv. Methods for evaluating components; and

v. Actions resulting from the collection and analysis of data.

(f) After reviewing the materials required by (e) above, the Board shall either:

1. Grant provisional accreditation to the program;

2. Require revisions to the program or the program materials required by (e) above or the submission of additional information. Revisions to the program or program materials do not ensure that provisional accreditation will be granted by the Board; or

3. Deny permission to establish a new program.

(g) The educational institution may request, in writing, an appearance before the Board for reconsideration of the revisions or denial based upon (f)2 or 3 above within 30 days of written notification of the required revisions or denial.

13:37-1.3 Provisional accreditation

(a) A nursing program that has been granted provisional accreditation pursuant to N.J.A.C. 13:37-1.2 may admit students.

(b) A nursing program that has been granted provisional accreditation shall not be granted accreditation until:

1. The first class has graduated;

2. Seventy-five percent of students from the first or second graduating class, who have taken the licensing examination, pass the examination the first time it is taken by the student; and

3. A self-study report is submitted to the Board that shows the nursing program is in compliance with the requirements of N.J.A.C. 13:37-1.4 through 1.11.

(c) A registered professional nurse completion program, as defined in N.J.A.C. 13:37-1.1(b)3, shall be granted accreditation once it has graduated its first class and has submitted a self-study report to the Board.

Board of Nursing Regulations

(d) The Board may conduct a survey of the program, through its designee, to assure compliance with N.J.A.C. 13:37-1.4 through 1.11.

(e) A program that does not meet the requirements of (b) above shall remain on provisional accreditation status. A program may remain on provisional accreditation status for no more than two years from the date the first class graduates. A program that has not met the requirements of (b) above in that two-year period shall cease to admit students and shall be placed on probation until the last student enrolled in the program graduates or otherwise leaves the program. Once the last student has left the program, the program shall lose its provisional accreditation. A program that has lost provisional accreditation pursuant to this subsection may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(f) A program, or an institution that offers a program, that does not provide its students an opportunity to complete their education and graduate as required by (e) above, may not reapply for accreditation for 10 years from the date the program ended.

13:37-1.4 Maintaining accreditation: organization and administration of a nursing program

(a) A nursing program shall have:

1. A written organizational and administrative plan describing the internal organization of the program, lines of authority, procedures for providing communication with the governing body and clinical agencies, and the role of any advisory committee associated with the program;
2. Stable financial resources which are allocated to adequately support the program's educational activities;
3. A program administrator who meets the requirements of N.J.A.C. 13:37- 1.6 and has direct authority for the fiscal and academic administration of the program. The administrator shall be responsible to the governing body of the sponsoring institution;
4. Written criteria for faculty promotion and faculty retention;
5. Written criteria for student admission, promotion, retention, and completion of the program; and
6. Written policies on grading and graduation requirements.

13:37-1.5 Maintaining accreditation: philosophy, organizing framework, objectives and outcomes

(a) The faculty shall develop, and revise as necessary, a statement of philosophy, a written description or model of the organizing framework, program objectives and program outcomes which are consistent with the definition of nursing as set forth in N.J.S.A. 45:11-23(b).

(b) The philosophy of the nursing program shall include the faculty's beliefs about the following:

1. Nursing;
2. Humans;
3. Health;
4. Environment; and
5. The teaching-learning process.

(c) The nursing program objectives shall identify those competencies required for the successful entry of the nursing graduate into practice.

(d) The faculty shall develop and maintain the written Systematic Plan for Program Evaluation.

(e) The faculty shall be able to show that the philosophy, organizing framework, program objectives and program outcomes have been integrated into the total program of learning.

(f) The philosophy, organizing framework, program objectives and program outcomes shall be communicated to students, cooperating affiliates, advisory committees and communities of interest as outlined in the Systematic Plan for Program Evaluation.

(g) If the faculty determines that the nursing program needs admission requirements in addition to those required by the institution, the faculty shall develop those additional requirements.

(h) The faculty shall develop any additional policies on grading or educational requirements for graduation which the faculty deems necessary.

(i) The faculty, in collaboration with the program administrator, shall construct, implement, teach and evaluate the curriculum. The administrator shall maintain records that indicate the curriculum has been evaluated pursuant to the Systematic Plan for Program Evaluation.

13:37-1.6 Maintaining accreditation; qualifications of program administrators

(a) Every nursing program shall have a program administrator.

Board of Nursing Regulations

- (b) An administrator of a generic doctoral degree program, a generic masters degree program, or a baccalaureate degree program shall, in addition to the qualifications contained in N.J.A.C. 13:37-1.7, hold a doctoral degree in nursing or a masters degree in nursing with an earned doctoral degree.
- (c) An administrator of an associate degree program or a diploma program shall, in addition to the qualifications contained in N.J.A.C. 13:37-1.7, hold a masters degree in nursing.
- (d) An administrator of a practical nursing program shall, in addition to the requirements of N.J.A.C. 13:37-1.7, hold a masters degree in nursing. An administrator for a practical nursing program who began his or her employment prior to (the effective date of these rules) shall not be required to hold a masters degree in nursing but shall be required to hold a bachelors degree in nursing with additional courses in the field of education.
- (e) If an administrator of a nursing program is replaced, for any reason, the program shall notify the Board in writing within 30 days of the change.

13:37-1.7 Maintaining accreditation: faculty qualifications

- (a) For purposes of this subchapter, the term "faculty" shall include full- time and part-time teachers as well as individuals who are responsible for teaching students in a clinical agency located in New Jersey.
- (b) Faculty members shall:
 - 1. Have current licensure in New Jersey as a registered professional nurse;
 - 2. Have documentation that shows that the nurse has taken courses in, or has professional or clinical experience in, the specific area of teaching responsibility;
 - 3. For faculty in baccalaureate degree programs, associate degree programs and diploma programs who began their current employment position after September 1, 1981, have graduated from a masters degree program with a major in nursing; and
 - 4. For faculty in licensed practical nursing programs who began their current employment position after September 1, 1981, hold a bachelors degree with a major in nursing.
- (c) The educational institution shall maintain on file a record of professional preparation and experience for all faculty.
- (d) Faculty shall develop an individual plan to maintain competency in the theoretical and practice areas directly related to their area of teaching responsibility. These plans shall be approved by the program administrator.
- (e) Faculty members shall supervise no more than 10 students in a clinical setting.

13:37-1.8 Maintaining accreditation: curriculum organization and content

- (a) The curriculum of all nursing education programs shall enable students to develop the knowledge, skills and competencies necessary for the level of nursing practice as defined in N.J.S.A. 45:11-23 et seq.
- (b) Nursing courses shall only be taught by nursing faculty, except that nutrition courses may be taught by a dietician with a masters degree in nutrition and pharmacology courses may be taught by a licensed pharmacist with a masters degree in pharmacology.
- (c) The nursing curriculum shall be based on the philosophy, organizing framework, program objectives and program outcomes that the faculty have developed pursuant to N.J.A.C. 13:37-1.5.
- (d) Faculty shall select clinical experiences for students that correlate with course objectives and/or competencies.
- (e) All nursing courses and clinical experiences shall reflect participation by the community of interest which has been identified in the Systematic Plan for Program Evaluation required by N.J.A.C. 13:37-1.2(e).
- (f) The nursing curriculum of all professional nursing education programs shall include:
 - 1. Content in the sciences, social sciences and humanities; and
 - 2. Nursing courses and clinical experiences in a variety of settings that include:
 - i. The promotion, restoration and maintenance of health across the lifespan;
 - ii. Critical thinking;
 - iii. The nursing practice act, N.J.S.A. 45:11-23 et seq., and Board rules, N.J.A.C. 13:37;
 - iv. Legal and ethical issues;
 - v. Cultural implications for practice;
 - vi. The structure and economics of the health care delivery system;
 - vii. Delegation to, and supervision of, licensed practical nurses and unlicensed assistive personnel;
 - viii. Management and leadership;
 - ix. Interdisciplinary collaboration;

Board of Nursing Regulations

- x. Pain management and end of life issues; and
 - xi. Socialization to the role of the professional nurse.
- (g) The curriculum of a practical nursing education program shall:
- 1. Include content in the sciences and social sciences;
 - 2. Contain nursing courses and clinical experiences that include:
 - i. The provision of supportive and restorative care under the direction of a registered professional nurse;
 - ii. Critical thinking;
 - iii. The nursing practice act, N.J.S.A. 45:11-23 et seq., and Board rules, N.J.A.C. 13:37;
 - iv. Legal and ethical issues affecting licensed practical nursing practice and responsibilities;
 - v. Delegation from a registered professional nurse pursuant to N.J.A.C. 13:37-6.2, and delegation from a licensed physician or licensed dentist;
 - vi. Cultural implications of practice;
 - vii. Pain management and end of life issues; and
 - viii. Interdisciplinary collaboration at the level of practice of the licensed practical nurse;
 - 3. Be at least 44 weeks long, excluding holidays and vacations;
 - 4. Offer theory and clinical experience concurrently throughout the entire program; and
 - 5. Equally distribute time between theoretical and clinical work.

13:37-1.9 Maintaining accreditation: required educational and administrative resources

- (a) The nursing education program shall provide:
- 1. Classrooms and laboratories to meet the needs of the students and faculty;
 - 2. Office space, conference rooms and equipment for the administrator, faculty and clerical staff;
 - 3. Furnishings, supplies and equipment to achieve the program's objectives and outcomes;
- and
- 4. Access to current reference resources.

13:37-1.10 Maintaining accreditation; clinical agencies

- (a) Every nursing program shall provide clinical experiences through an affiliation with a clinical agency or agencies that are licensed by a governmental agency or accredited by a nationally recognized accrediting body.
- (b) There shall be a written agreement between the nursing program and the clinical agency. The agreement shall be signed and adhered to by the parties and shall include provisions for:
- 1. Review of the terms of the agreement;
 - 2. Notice of termination of the agreement by either party at least 120 days prior to termination;
 - 3. Faculty responsibility for student education;
 - 4. Collaboration between faculty and clinical agency personnel in selecting clinical experiences;
 - 5. Joint annual evaluation of the effectiveness of the clinical experience, with input from students; and
 - 6. A faculty to student ratio of at least one faculty member for every 10 students.
- (c) Clinical agencies located outside the State of New Jersey shall meet the requirements established by the state board of nursing in that other state.

13:37-1.11 Maintaining accreditation: criteria for student admission, promotion and completion of the program

- (a) Every nursing program shall:
- 1. Have written policies for admission, readmission, promotion, graduation and transfer of students;
 - 2. Have written criteria for granting course credit for programs admitting students with advanced standing;
 - 3. Have written policies governing payment and refund of tuition and other fees;
 - 4. Set dates for the beginning and ending of each term;
 - 5. Establish and make available to students an appeals process;
 - 6. Require individual liability insurance for each student;
 - 7. Establish and distribute to students written policies regarding health and guidance services;
 - 8. Distribute information about the school to students and applicants for admission which shall include:
 - i. A general description of the program;
 - ii. The accreditation status of the program with the Board;
 - iii. The name and address of any organization the program is accredited by;
 - iv. Admission, promotion and graduation requirements;

Board of Nursing Regulations

- v. Curriculum plan and course descriptions;
 - vi. Statement of tuition fees and refund policies;
 - vii. An appeals process; and
 - viii. The address and telephone number of the Board; and
9. Inform the students and applicants for admission that complaints regarding the program may be sent to the Board.

13:37-1.12 Maintaining accreditation: surveys of nursing programs

- (a) The Board may conduct a survey of any program at any time in order to ensure compliance with the requirements of this subchapter. A survey shall consist of an on-site visit and an evaluation of all program documents required by N.J.A.C. 13:37-1.4 through 1.11. If the survey indicates that a program is not in compliance with this subchapter, the Board shall place the program on conditional accreditation pursuant to N.J.A.C. 13:37-1.17.
- (b) The Board shall conduct a survey and an on-site visit for every accredited nursing program every eight years pursuant to N.J.A.C. 13:37-1.13 unless the on-site visit is waived pursuant to N.J.A.C. 13:37-1.14.

13:37-1.13 Renewing accreditation

- (a) Certificates of accreditation issued by the Board prior to April 21, 2003 shall expire five years from the date of issue or last renewal. Programs holding such certificates shall renew accreditation pursuant to (b) through (e) below.
- (b) A program shall be accredited for eight years. Prior to the expiration of the accreditation period, the Board shall send to the nursing program an accreditation renewal form and notification of date for an on-site visit. The form shall be sent to the program 90 days prior to the scheduled date of the on-site visit.
- (c) A program that meets the requirements of N.J.A.C. 13:37-1.14 may request a waiver of the on-site visit. If the Board grants the waiver, the program shall submit to the Board:
- 1. The completed accreditation renewal form; and
 - 2. The accreditation renewal fee required by N.J.A.C. 13:37-5.5(d)3.
- (d) If a program does not apply or qualify for a waiver of the on-site visit, the program administrator shall submit to the Board, 30 days prior to the scheduled date of the on-site visit, the following:
- 1. The completed accreditation renewal form;
 - 2. The most recent institutional regional accreditation report;
 - 3. The nursing student handbook;
 - 4. Course outlines for all nursing courses;
 - 5. Description and location of clinical facilities;
 - 6. The Systematic Plan for Program Evaluation;
 - 7. The program's bylaws;
 - 8. The program's organizational chart;
 - 9. The program's insurance policy;
 - 10. A list of the nursing journals subscribed to by the program's library; and
 - 11. The renewal fee required by N.J.A.C. 13:37-5.5(d)2.
- (e) After the Board has reviewed the renewal form and the results of the on-site visit, the Board shall decide whether the program conforms to the rules of this subchapter and whether to renew the program's accreditation. The Board shall either send the program written notice that its accreditation has been renewed or a notice that accreditation has not been renewed and that the program is being placed on conditional accreditation pursuant to N.J.A.C. 13:37-1.17.

13:37-1.14 Waiver of on-site visits for accreditation renewal

- (a) The on-site visit required pursuant to N.J.A.C. 13:37-1.12(b) and 1.13 may be waived if the program requests a waiver of the site visit in writing. The waiver request shall include:
- 1. Documentation that the nursing program is accredited by either the National League for Nursing Accrediting Commission (NLNAC) or the Commission on Collegiate Nursing Education (CCNE);
 - 2. A self-study by the nursing program which evaluates its compliance with the accreditation standards of the Board and either the NLNAC or CCNE;
 - 3. The site survey report from either the NLNAC or CCNE that has reviewed and evaluated the program; and
 - 4. The final report from either the NLNAC or CCNE.

Board of Nursing Regulations

- (b) A program that has been granted a waiver of the on-site visit pursuant to (a) above shall notify the Board within 30 days of the change if the NLNAC or CCNE accreditation status changes.
- (c) If the Board is notified that a program's NLNAC or CCNE accreditation status has changed, the Board shall send a representative to conduct an on-site visit of the program to verify that the program conforms to the rules of this subchapter. A program that does not conform to the rules of this subchapter shall be placed on conditional accreditation pursuant to N.J.A.C. 13:37- 1.17.

13:37-1.15 Maintaining accreditation: program recordkeeping and reporting requirements

- (a) Any record that a nursing program maintains pursuant to the requirements of this subchapter shall be made available to the Board upon request.
- (b) Every nursing program shall maintain a record of nursing department committee minutes for a minimum of three years.
- (c) Every nursing program shall ensure that records are maintained so that such records provide accurate recording of student academic data. Records shall be stored in a manner to prevent loss by destruction and unauthorized use.
- (d) A copy of the current contracts with clinical agencies shall be maintained by the administrator.
- (e) An annual report of the school of nursing shall be submitted each year to the Board on forms supplied by the Board.

13:37-1.16 Changes to a nursing program

- (a) A nursing program shall notify the Board 30 days prior to any changes in ownership or the program's dean, director, chair or program administrator.
- (b) A nursing program shall not institute a major curriculum change, as outlined in (d) below, without prior Board approval.
- (c) A nursing program that wishes to make any major curriculum changes shall submit the requested change to the Board in writing and provide the information required in (e) below. The Board shall review the request to determine whether the requested change is in compliance with this subchapter.
- (d) Major curriculum changes are:
 - 1. Changes in the philosophy or organizing framework;
 - 2. Reorganization of the credit allocation within the program;
 - 3. An increase or decrease in the number of required credits; or
 - 4. An increase or decrease in the length of the nursing program.
- (e) A request for a change in the curriculum shall include:
 - 1. The rationale for the proposed change in the curriculum;
 - 2. A presentation of the differences between the current status of the program and the proposed change;
 - 3. A timetable for implementation of the change; and
 - 4. A plan for the evaluation of the change which shall include outcomes.
- (f) After reviewing the request the Board shall:
 - 1. Grant approval of the curriculum change;
 - 2. Require revisions to the request. If the Board requires a revision, the nursing program shall submit the revised request within 30 days of receiving notification; or
 - 3. Deny approval for the curriculum change.
- (g) The nursing program may, within 30 days of notification of the denial, request in writing an appearance before the Board asking for a reconsideration of the denial of the curriculum change.
- (h) If the Board denies a curriculum change, the nursing program may not resubmit another request for the same curriculum change for six months from the date of notification of the denial.

13:37-1.17 Conditional accreditation: licensing examination pass rates

- (a) If, for three successive years, less than 75 percent of a nursing program's graduating students pass the licensing examination the first time the examination is taken, the Board shall place the program on conditional accreditation. Conditional accreditation shall become effective upon the program's receipt of the written notification.
- (b) The nursing program may, within 30 days of receiving written notification that the program has been placed on conditional accreditation, request in writing an appearance before the Board regarding its conditional accreditation status.

Board of Nursing Regulations

- (c) Within 30 days of receiving written notification that the nursing program has been placed on conditional accreditation, the nursing program shall notify in writing the students enrolled in the program that the program has been placed on conditional accreditation.
- (d) A nursing program that is placed on conditional accreditation shall submit to the Board, within 90 days of receiving written notification of being placed on conditional accreditation, an 18-month action plan with a time-line and measurable outcomes to correct any deficiencies. The outcomes identified in the action plan shall include that within the next calendar year at least 75 percent of its students who take the licensing examination shall pass the first time. The outcomes shall be met within 18 months.
- (e) A nursing program on conditional accreditation which believes that it cannot accomplish its outcomes within 18 months may request an extension of the 18-month time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.
- (f) If the outcomes of the action plan are met within the 18-month period, the program shall be restored to accreditation status.
- (g) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on conditional accreditation.

13:37-1.18 Conditional accreditation: subchapter requirements

- (a) If the Board receives information alleging that a program fails to meet the requirements of this subchapter, other than N.J.A.C. 13:37-1.17, the Board shall evaluate the information and may send a field representative to investigate the program. The Board representative shall evaluate the program for compliance with this subchapter and report the results of the program evaluation to the Board.
- (b) If the Board determines that the nursing program does not comply with the provisions of this subchapter, the Board shall place the program on conditional accreditation. Conditional accreditation shall become effective upon the program's receipt of the written notification.
- (c) The nursing program may, within 30 days of receiving written notification that the program has been placed on conditional accreditation, request in writing an appearance before the Board regarding its conditional accreditation status.
- (d) Within 30 days of receiving written notification that the nursing program has been placed on conditional accreditation, the nursing program shall notify in writing the students enrolled in the program that the program has been placed on conditional accreditation.
- (e) A nursing program that is placed on conditional accreditation shall submit to the Board, within 90 days of receiving written notification of being placed on conditional accreditation, an 18-month action plan with a time-line and measurable outcomes to correct any deficiencies. The outcomes identified in the action plan shall be met within 18 months.
- (f) A nursing program on conditional accreditation which believes that it cannot accomplish its outcomes within 18 months may request an extension of the 18-month time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.
- (g) If the outcomes of the action plan are met within the 18-month period, the program shall be restored to accreditation status.
- (h) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on conditional accreditation.

13:37-1.19 Probation

- (a) A nursing program on conditional accreditation status that does not achieve the outcomes identified in the action plan required by N.J.A.C. 13:37-1.17(d) or 1.18(e) in 18 months, or which has not been granted an extension pursuant to N.J.A.C. 13:37-1.17(e) or 1.18(f), shall be placed on probation. A nursing program that has been granted an extension shall be placed on probation if it does not achieve the outcomes identified in the action plan by the end of the extension. A nursing program that is placed on probation may request in writing an appearance before the Board.
- (b) The nursing program shall, within 30 days of receiving written notification that it has been placed on probation, notify the students enrolled in the program in writing that the program is on probation.
- (c) A program on probation shall not admit new students or transfer students.
- (d) A nursing program that is placed on probation shall revise the action plan with outcomes to be achieved in one calendar year and submit the action plan to the Board. If a program is placed on probation due to N.J.A.C. 13:37-1.17, the program action plan outcomes shall include that within the next calendar year at least 75 percent of its students who take the licensing examination shall pass the first time.

Board of Nursing Regulations

(e) A program on probation which believes that it cannot accomplish its outcomes within one calendar year may request an extension of the one-year time period from the Board. A request for an extension shall set forth the reasons why the program needs an extension.

(f) A program that does not achieve the outcomes identified in the action plan within one calendar year, and which has not been granted an extension pursuant to (e) above, shall not be eligible for restoration to accredited status. A program that has been granted an extension and does not achieve the outcomes identified in the action plan by the end of the extension shall not be eligible for restoration to accredited status. A program that is not eligible for restoration of accredited status shall continue to operate under probationary status until the last student has graduated or has otherwise left the program. Once the last student has graduated or has otherwise left the program, the program shall no longer be accredited. A program that is no longer accredited may reapply for accreditation pursuant to N.J.A.C. 13:37-1.2.

(g) The eligibility of students to sit for the licensing examination shall not be affected in the event a program is placed on probation.

13:37-1.20 Program termination

(a) Programs that voluntarily terminate shall provide for their enrolled students by either:

1. Phasing out the students. The students enrolled may continue with their studies until they complete the program; no new students may be admitted or accepted by transfer; qualified faculty remain with the program and compliance with this subchapter continues; or
2. Transference of students to other schools.

(b) The eligibility of students enrolled in a program to sit for the licensing examination shall not be affected in the event a program terminates.

(c) The individual responsible for an educational institution or hospital, which plans to terminate a program in nursing or to suspend any essential part of its program, shall so advise the Board in writing. The written notification shall include the reasons for terminating the program and the specific plans for students enrolled.

(d) Programs that voluntarily terminate or which terminate due to loss of accreditation shall provide for safekeeping of records. The program shall notify the Board of the name, address and telephone number of the site where records are to be stored at least ten days prior to the date of termination. The date of termination shall be the date on which the last student is properly transferred or completes the program.

SUBCHAPTER 2. LICENSURE BY EXAMINATION; REGISTERED PROFESSIONAL AND LICENSED PRACTICAL NURSES

13:37-2.1 Eligibility requirements

(a) Every applicant for licensure as a registered professional nurse or a licensed practical nurse shall meet the requirements for licensure, as set forth in N.J.S.A. 45:1-14 et seq., N.J.S.A. 45:11-26 and 27. Every applicant shall pass either the National Council Licensure Examination for Registered Nurses (NCLEX-RN) or the National Council Licensure Examination for Practical Nurses (NCLEX-PN).

(b) An applicant who fails to pass three consecutive licensing examinations shall submit to the Board, prior to the fourth licensing examination, proof of successful completion of a remediation course, consisting of 30 hours and conducted by a qualified instructor within the meaning of N.J.A.C. 13:37- 1.7. The remediation course shall be completed within one year prior to taking the fourth examination. An applicant who fails the fourth examination may retake the examination two more times before being required to take the remediation course again.

13:37-2.2 Application requirements; professional and practical nurses

(a) Each applicant for licensure shall file with the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;
2. The nonrefundable application fee set forth in N.J.A.C. 13:37-5.5(a) 1; and
3. A written certification from the registrar, or program administrator authorized by the registrar, attesting that the applicant has successfully completed all requirements for graduation from a Board-accredited registered professional nursing program or a Board-accredited licensed practical nursing program. The certification shall indicate the date of graduation or the date the degree or diploma was conferred.

Board of Nursing Regulations

(b) An applicant for licensure as a licensed practical nurse shall complete a program designed to educate him or her as a licensed practical nurse. Attendance in or successful completion of a registered professional nursing program shall not serve as an equivalent for the licensed practical nursing educational requirement.

13:37-2.3 Application requirements; graduates of foreign nursing programs

(a) An applicant for licensure who graduated from a foreign nursing program shall submit:

1. A completed licensure application for graduates of foreign nursing program, which contains information concerning the applicant's educational and experiential background;
2. A transcript review performed by the Commission on Graduates of Foreign Nursing Schools (CGFNS);
3. Proof that the applicant has achieved a passing score on the Test of English as a Foreign Language exam, TOEFL; and
4. The application fee set forth in N.J.A.C. 13:37-5.5(a)2.

(b) A graduate of a foreign licensed practical nursing program who has not taken courses in medical, surgical, pediatric, obstetric or psychiatric nursing shall complete a course in a licensed practical nursing program in the area(s) of deficiency offered by a practical nursing education program approved by the State Department of Education or by the Board pursuant to N.J.A.C. 13:37-1.

(c) Any applicant who obtained his or her credentials, such as transcripts, licenses or certificates, through fraud, deception, misrepresentation, false promise or false pretense shall not be eligible to take the examination or for licensure.

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. LICENSURE BY ENDORSEMENT; PROFESSIONAL AND PRACTICAL NURSES

13:37-4.1 Eligibility requirements for licensure by endorsement

(a) A registered professional nurse or licensed practical nurse licensed in another state, territory or possession of the United States, or the District of Columbia, who wishes to be licensed in New Jersey may be licensed by endorsement in this State if he or she meets the requirements for licensure as set forth in N.J.S.A. 45:1-14 et seq., 45:11-26 and 45:11-27.

(b) An applicant for licensure by endorsement as a licensed practical nurse shall have graduated from a practical nurse program. Attendance in or successful completion of a professional nursing program shall not serve as an equivalent for the practical nursing educational requirement.

13:37-4.2 Application requirements for licensure by endorsement

(a) An applicant for licensure by endorsement shall submit or arrange to submit the following to the Board:

1. A completed application form, provided by the Board, which requests information concerning the applicant's educational and experiential background;
2. A non-refundable initial license fee and application for licensure by endorsement fee as set forth in N.J.A.C. 13:37-5.5(a)2 and 3; and
3. Written or electronic verification of status of licensure from every state, territory or possession of the United States, or the District of Columbia, in which the applicant was ever licensed. The verification shall either be forwarded directly to the Board from the applicable state board, if written, or if electronic, be issued by the applicable state board.

13:37-4.3 (Reserved)

SUBCHAPTER 5. GENERAL REQUIREMENTS OF LICENSURE; LICENSE RENEWAL; FEE SCHEDULE

13:37-5.1 License requirement

Before engaging in nursing practice, as defined in N.J.S.A. 45:11-23(b), or representing oneself as a nurse, an individual shall obtain and maintain a current license that is active. No licensee shall engage in nursing practice if his or her license is expired, suspended, revoked or surrendered.

13:37-5.2 Biennial license renewal

Board of Nursing Regulations

Licenses shall be valid for two calendar years, except that initial licenses shall be valid from the date the applicant passed the examination to the end of the then current biennial period.

13:37-5.3 Continuing education

(a) Upon biennial active license renewal, a registered professional nurse or licensed practical nurse shall attest that he or she has completed courses of continuing education of the types and number of hours specified in (b), (c) and (d) below. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

(b) Each applicant for biennial active license renewal shall complete during the preceding biennial period a minimum of 30 hours of continuing education.

(c) A registered professional nurse or licensed practical nurse who completes more than the minimum continuing education hours set forth in (b) above in any biennial registration period may carry up to 15 of the additional hours into the succeeding biennial period.

(d) A registered professional nurse or licensed practical nurse may obtain continuing education hours from the following:

1. Successful completion of continuing education courses or programs related to nursing and approved by a credentialing agency accredited by the National Commission for Certifying Agencies: one hour for each 50 minutes of attendance;
2. Successful completion of a course, related to nursing, given by a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education: five hours for each credit successfully completed;
3. Successful completion of a course in a doctoral degree program which has a research component: five hours for each credit successfully completed;
4. Teaching or developing the curriculum for a new continuing education program related to nursing that is approved pursuant to 1 above. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course or program in any educational setting: one hour for each 50 minutes taught;
5. Teaching or developing the curriculum for a new course related to nursing in a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that course in any educational setting: five hours for each credit taught;
6. Authorship of a published textbook or a chapter of a published textbook related to nursing: 15 hours for each chapter up to 30 hours;
7. Completion of a doctoral dissertation: 30 hours;
8. Authorship of a published article related to nursing, which has been refereed through peer review, in a medical, nursing or health related journal: 15 hours per article up to 30;
9. Presenting a new seminar or lecture to professional peers related to nursing, provided the seminar or lecture is at least one hour long. "New" means that the registered professional nurse or licensed practical nurse has never taught or developed curriculum for that seminar or lecture in any educational setting: one hour for each 50 minutes of presentation;
10. Completion of a research project where the registered professional nurse or licensed practical nurse is a primary or co- investigator and the research project has been approved by an institutional review board: 30 hours;
11. Development of new instructional materials related to nursing such as a compact disc, ROM or videotape: 15 hours up to 30; and
12. Acting as a preceptor for at least 100 hours as part of an organized preceptorship program: 10 hours for the period during which the registered professional nurse or licensed practical nurse acts as a preceptor.

(e) Continuing education hours that could be allocated to more than one of the options in (d) above shall only be counted once and shall not be allocated for more than one option. For instance, a course which could be awarded hours pursuant to (d)4 and 5 above shall only count as a course for either (d)4 or 5, but not both.

Board of Nursing Regulations

(f) The Board may perform audits on randomly selected registered professional nurses and licensed practical nurses to determine compliance with continuing education requirements. A registered professional nurse or licensed practical nurse shall maintain the following documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request:

1. For attendance at programs or courses: a certificate of completion from the provider;
2. For publication of textbook or article: the published item, including the date of publication;
3. For teaching a course or program or developing curriculum: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from provider confirming that the registered professional nurse or licensed practical nurse developed or taught the course or program;
4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar;
5. For a research project: a copy of the written materials regarding the project which lists the primary or co- investigators;
6. For instructional material: a copy of the instructional materials; and
7. For a preceptorship: documentation maintained pursuant to the organized preceptorship program and a document designating the registered professional nurse or licensed practical nurse as a preceptor.

(g) The Board may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A registered professional nurse or licensed practical nurse seeking a waiver of the continuing education requirements shall apply to the Board in writing at least 90 days prior to license renewal and set forth in specific detail the reasons for requesting the waiver. The registered professional nurse or licensed practical nurse shall provide the Board with such supplemental materials as will support the request for waiver.
2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue into the next biennial period, a registered professional nurse or licensed practical nurse shall apply to the Board for the renewal of such waiver for the new biennial period.

(h) The Board may direct or order a registered professional nurse or licensed practical nurse to successfully complete continuing education hours:

1. As part of a disciplinary or remedial measure in addition to the required 30 hours of continuing education; or
2. To correct a deficiency in the registered professional nurse or licensed practical nurse's continuing education requirements.

(i) Any continuing education hours completed by the registered professional nurse or licensed practical nurse in compliance with an order or directive from the Board as set forth in (h) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

(j) Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2006 shall comply with the requirements of (a) through (e) above commencing with the 2008 renewal of licensure. Registered professional nurses and licensed practical nurses whose licenses expire on May 31, 2007 shall comply with the requirements of (a) through (i) above commencing with the 2009 renewal of licensure.

13:37-5.4 Categories of licenses

(a) Licenses shall be divided into two categories known as "active" and "inactive" licenses. All persons engaged in any type of nursing practice shall have an active license. An individual who is eligible for an active license but who is not engaged in any type of nursing practice may request an inactive license.

(b) Before engaging in nursing practice, a holder of an inactive license shall register with the Board as active and pay the active biennial license fee as set forth at N.J.A.C. 13:37-5.5(a). A licensee who changes status from inactive to active shall submit evidence to the Board that he or she has completed 30 credits of continuing education which meets the requirements of N.J.A.C. 13:37-5.3.

13:37-5.5 Fee schedule

(a) The following fees shall be charged by the Board in connection with licensure of professional and practical nurses:

Board of Nursing Regulations

1. Application fee \$75.00
2. Application fee for graduates of foreign nursing programs\$100.00
3. Initial license fee 120.00
4. Application for licensure by endorsement75.00
plus initial license fee set forth in (a)2 above
5. Verification for endorsement 30.00
6. Renewal of license (biennial)
 - i. Active 120.00
 - ii. Inactive 60.00
7. Late license renewal (one to 30 days) 50.00
plus the applicable biennial license renewal fee set forth in (a)5 above
8. Lapsed license fee (after 30 days) 100.00
plus the applicable biennial license renewal fee set forth in (a)5 above
9. Duplicate license 35.00
10. Written verification of licensure 25.00
11. Copy of Nurse Practice Act 5.00

(b) The following fees shall be charged by the Board in connection with certification of homemaker-home health aides:

1. Application fee \$50.00
2. Program approval fee for each location
at which course is offered (annual)..... 250.00
3. Instructor's Manual 25.00
4. Student Manual 15.00
5. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 30.00
 - ii. If paid during the second year of a biennial renewal period 15.00
6. Renewal of certificate (biennial) 30.00
7. Late renewal of certificate (one to 30 days) 10.00
plus the certification renewal
fee set forth in (b)6 above
8. Lapsed certification fee (after 30 days) 20.00
plus the certification renewal
fee set forth in (b)6 above
9. Duplicate certificate 10.00
10. Application for certification by endorsement 30.00
plus the applicable initial certification fee set forth in (b)5 above

(c) The following fees shall be charged by the Board in connection with certification of nurse practitioners/clinical nurse specialists:

1. Application fee \$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 160.00
 - ii. If paid during the second year of a biennial renewal period 80.00
3. Renewal of certification (biennial) 160.00
4. Application for certification by endorsement 100.00
plus the applicable initial
certification fee set forth in (c)2 above
5. Late renewal of certificate (one to 30 days) 75.00
plus the certification renewal
fee set forth in (c)3 above
6. Lapsed certification fee (after 30 days) 100.00
plus the certification renewal
fee set forth in (c)3 above
7. Duplicate certificate 35.00

Board of Nursing Regulations

(d) The following fees shall be charged by the Board in connection with accreditation of nursing programs:

1. Initial accreditation application \$1,000
2. Renewal of accreditation without waiver 1,000
3. Renewal of accreditation with waiver 400.00

(e) The following fees shall be charged by the Board in connection with certification of sexual assault nurse examiners:

1. Application fee \$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 100.00
 - ii. If paid during the second year of a biennial renewal period 50.00
3. Renewal of certification (biennial) 100.00
4. Application for certification by endorsement 100.00
Plus the applicable initial certification fee
set forth in (e)2 above

(f) The following fees shall be charged by the Board in connection with certification of massage, bodywork and somatic therapists:

1. Application fee \$75.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period \$120.00
 - ii. If paid during the second year of a biennial renewal period \$60.00
3. Renewal of certification \$120.00
4. Late certification renewal \$50.00
Plus the applicable biennial certification renewal fee set
forth in (f)3 above
5. Lapsed certificate fee \$100.00
Plus the applicable biennial certification renewal fee set
forth in (f)3 above
6. Continuing education sponsor fee \$100.00
7. Duplicate certificate \$35.00
8. Inactive license fee (to be established by the Committee by rule)

13:37-5.6 Responsibilities of licensure

A licensee shall be held to the level of practice associated with his or her licensure, either as a registered professional nurse or licensed practical nurse, regardless of his or her employment status. For example, when a registered professional nurse is employed as a licensed practical nurse, he or she will be held to the standards of a registered professional nurse.

13:37-5.7 Notification of change of address

A licensee or certificant shall notify the Board in writing of any change of address from that registered with the Board and shown on the most recently issued license or certificate. This address shall not be a post office box unless there is another address on file with the Board that includes a street, city, state and ZIP code. Such notice shall be given no later than 30 days following the change of address. Service to the street address registered with the Board shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2.

13:37-5.8 Reporting of unlawful conduct

A licensee or certificant shall report to the Board any incident or series of incidents which the licensee or certificant, in good faith, believes is in violation of the Nurse Practice Act, N.J.S.A. 45:11-23, this chapter or N.J.A.C. 13:45C.

13:37-5.9 Self-reporting

(a) A licensee or certificant shall immediately notify the Board if he or she:

1. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
2. Is indicted or convicted of a crime involving moral turpitude or a crime adversely relating to his or her practice;
3. Is named as a defendant or respondent in a civil, criminal or administrative investigation, complaint or judgment involving alleged malpractice, negligence or

Board of Nursing Regulations

misconduct relating to his or her practice;

4. Is the subject of any voluntary license or certification surrender or any disciplinary action or order by any state or Federal agency, board or commission, including any order of limitation or preclusion; or

5. Fails to maintain or renew any certification which is required by law as a condition of practice or as a condition of license or certification renewal.

(b) Any nurse or homemaker-home health aid licensed or certified under the Nurse Practice Act, N.J.S.A. 45:11-23 et seq., who violates any provision of the Act or N.J.S.A. 45:1-14 et seq. may be subject to disciplinary action by the Board, provided that the Board notifies the licensee or certificant and provides an opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

13:37-6.1 Nursing procedures

Nursing procedures shall be determined by the Nursing Practice Act of this State, subject to the interpretation and revision by the Board of Nursing.

13:37-6.2 Delegation of selected nursing tasks

(a) The registered professional nurse is responsible for the nature and quality of all nursing care including the assessment of the nursing needs, the plan of nursing care, the implementation, and the monitoring and evaluation of the plan. The registered professional nurse may delegate selected nursing tasks in the implementation of the nursing regimen to licensed practical nurses and ancillary nursing personnel. Ancillary nursing personnel shall include but not be limited to: aides, assistants, attendants and technicians.

(b) In delegating selected nursing tasks to licensed practical nurses or ancillary nursing personnel, the registered professional nurse shall be responsible for exercising that degree of judgment and knowledge reasonably expected to assure that a proper delegation has been made. A registered professional nurse may not delegate the performance of a nursing task to persons who have not been adequately prepared by verifiable training and education. No task may be delegated which is within the scope of nursing practice and requires:

1. The substantial knowledge and skill derived from completion of a nursing education program and the specialized skill, judgment and knowledge of a registered nurse;
2. An understanding of nursing principles necessary to recognize and manage complications which may result in harm to the health and safety of the patient.

(c) The registered professional nurse shall be responsible for the proper supervision of licensed practical nurses and ancillary nursing personnel to whom such delegation is made. The degree of supervision exercised over licensed practical nurses and ancillary nursing personnel shall be determined by the registered professional nurse based on an evaluation of all factors including:

1. The condition of the patient;
2. The education, skill and training of the licensed practical nurse and ancillary nursing personnel to whom delegation is being made;
3. The nature of the tasks and the activities being delegated;
4. Supervision may require the direct continuing presence or the intermittent observation, direction and occasional physical presence of a registered professional nurse. In all cases, the registered professional nurse shall be available for on-site supervision.

(d) A registered professional nurse shall not delegate the performance of a selected nursing task to any licensed practical nurse who does not hold a current valid license to practice nursing in the State of New Jersey. A registered professional nurse shall not delegate the performance of a selected nursing task to ancillary nursing personnel who have not received verifiable education and have not demonstrated the adequacy of their knowledge, skill and competency to perform the task being delegated.

(e) Nothing contained in this rule is intended to limit the current scope of nursing practice.

(f) Nothing contained in this rule shall limit the authority of a duly licensed physician acting in accordance with N.J.S.A. 45:9-1 et seq.

13:37-6.3 Standards for joint protocols between advanced practice nurses and collaborating physicians

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Collaboration" means the ongoing process by which an advanced practice nurse and a physician engage in practice, consistent with agreed upon parameters of their respective practices.

Board of Nursing Regulations

"Device" means an article, other than medication, for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury, pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.

"Joint protocol" means an agreement or contract between an advanced practice nurse and a collaborating physician which conforms to the standards established by the Director of the Division of Consumer Affairs pursuant to this rule.

"Medication" means any substance for which a prescription is required which is intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease, injury, pain or deformity or physical or emotional condition or health problem in humans or intended to affect the structure or function of the human body.

(b) Advance practice nurses who seek to prescribe or order medications or devices and the collaborating physician(s) with whom they are in collaboration shall develop a joint protocol, which shall be:

1. In writing;
2. Signed by both the advanced practice nurse and the physician, with an acknowledgment that any inappropriate professional behavior or violation of the protocol on the part of either the physician or the advanced practice nurse will be reported to his or her respective licensing board;
3. Maintained on the premises of every office in which the advanced practice nurse practices;
4. Updated on an ongoing basis to reflect changes in the practice, office personnel, skills of the advanced practice nurse, frequency of record review, and reference materials containing practice guidelines or accepted standards of practice; and
5. Reviewed at least on an annual basis.

(c) The content of a joint protocol under (b) above shall address:

1. The nature of the practice, the patient population (for example, pediatric patients) and settings (for example, inpatient, nursing home, patient residences or other alternative care environments);
2. Any particular circumstances for which, prior to prescribing, a specific examination is to be performed or a definitive diagnosis made;
3. The recordkeeping methodology to be used in the practice (for example, the protocol might indicate that records should contain subjective complaints, objective findings, an assessment and a plan of treatment);
4. A list of categories of medications appropriate to the practice;
5. A delineation of specific medications and the specific number of refills, to be prescribed pursuant to the direction of the physician;
6. Specific requirements with respect to the recordation, in the patient record and/or in separate logs, of medications prescribed or dispensed, dosages, frequency, duration, instructions for use and authorizations for refills;
7. Any medical conditions or findings within the nature of the practice which should require direct consultation prior to the prescribing or ordering of medications or devices;
8. The frequency and methodology to be employed to ensure periodic review of patient records;
9. Identification of the means by which the advanced practice nurse and collaborating physician can be in direct communication, as well as a description of arrangements which will assure that the collaborating physician or peer coverage is accessible and available;
10. Procedures for the use of medications in emergency situations; and
11. Identification of reference materials containing practice guidelines or accepted standards of practice.

(d) Failure to establish and implement joint protocols consistent with the standards set forth in this section and any violation of the joint protocol by an advanced practice nurse or physician may be deemed professional misconduct or other grounds for disciplinary sanction within the meaning of N.J.S.A. 45:1-21 by his or her respective licensing board.

13:37-6.4 Identification tags

(a) Each licensee or certificate holder shall wear an identification tag when engaging in the practice for which the individual is licensed or certified. The identification tag shall be clearly visible at all times, and such tag shall bear the first name or initial, the full surname and the term reflecting the individual's level of licensure or certification,

Board of Nursing Regulations

for example, Registered Nurse or R.N. The letters on the tag shall be of equal size in type, not smaller than one-quarter inch. The size of the identification tag shall be equal to or greater than that of any other identification worn by the licensee or certificate holder.

(b) Where a general hospital requires a facility staff member who is a licensee or a certificate holder to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a), that staff member need only wear only one identification badge, as long as the badge meets requirements of both P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a) and (a) above.

(c) In order to protect his or her personal safety or to prevent the substantial invasion of his or her privacy, or to prevent the identification tag from causing physical harm to the patient, a licensee or certificate holder may request an exemption from the requirements of (a) above. Such requests for an exemption shall be made by the licensee or certificate holder in writing to the Board and shall set forth the reasons why wearing the tag would endanger the licensee's or the certificate holder's personal safety, substantially invade the licensee's or the certificate holder's privacy or physically harm a patient.

(d) The exemption set forth in (c) above shall not apply to those facility staff members in a general hospital, where such general hospital requires a facility staff member to wear an identifying badge pursuant to P.L. 1997, c.76 (N.J.S.A. 26:2H-12.8a).

SUBCHAPTER 7. CERTIFICATION OF NURSE PRACTITIONERS/CLINICAL NURSE SPECIALISTS

13:37-7.1 Application for certification

(a) Any nurse who wishes to practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist must be certified by the Board.

(b) Each applicant for certification shall submit the following materials to the Board:

1. Proof of a current New Jersey registered professional nurse license in good standing;
2. A completed application form and the application fee set forth in N.J.A.C. 13:37-5.8(c)1. The application form solicits information including: general biographical, educational and experiential data;
3. Proof that the applicant has successfully completed the educational requirements set forth in N.J.A.C. 13:37-7.2 or, where applicable, N.J.A.C. 13:37-7.4. The applicant shall obtain verification of successful completion from the school(s) where the applicant completed the educational requirements; and
4. Proof that the applicant has successfully completed the examination requirements set forth in N.J.A.C. 13:37-7.3 or, where applicable, the certification requirements of N.J.A.C. 13:37-7.4.

13:37-7.2 Educational requirements for certification

(a) Each applicant for certification shall be required to successfully complete and graduate from a masters level program designed to educate and prepare the nurse practitioners/clinical nurse specialists at a school duly accredited by any national accrediting agency approved by the Board.

(b) Each applicant shall be required to successfully complete a graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board. Successful completion of a pharmacology course integrated into the masters level program referred to in (a) above will satisfy this requirement.

(c) Each applicant who has completed the pharmacology requirements referred to in (b) above more than five years prior to the filing date of his or her initial application for certification under N.J.S.A. 45:11-45 et seq. and this subchapter, shall be required to successfully complete one of the following:

1. A graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board; or
2. Thirty contact hours in continuing professional education which:
 - i. Are related to the applicant's advanced practice category's scope of practice;
 - ii. Include pharmacokinetics and pharmacodynamic principles and their clinical application;
 - iii. Include the use of pharmacological agents in the prevention of illness, restoration and maintenance of health; and
 - iv. Are obtained within five years immediately prior to the date of application for prescriptive authority.

Board of Nursing Regulations

13:37-7.3 Examination requirements for certification

(a) Each applicant for certification shall be required to successfully pass the highest level practice examination in the area of specialization approved by the Board.

(b) Each applicant who meets the educational requirements of N.J.A.C. 13:37-7.2 shall apply to take the first available examination for which the applicant is eligible. The applicant may engage in advanced nursing practice pending the results of the first available examination, provided that the applicant clearly delineates the word, "applicant" each time said applicant assumes the title or designation of a "nurse practitioner/clinical nurse specialist" or any of its abbreviations. If the applicant is unsuccessful in passing two consecutive examinations, he or she shall not be eligible to engage in advanced nursing practice but shall not be denied the right to continue to take any examination for certification for which he or she qualifies. Said examination requirements must be completed within two years of the date of initial application.

13:37-7.4 Educational and examination certification requirements in the area of OB/GYN and women's health

(a) Applicants seeking certification as a nurse practitioner/clinical nurse specialist in the specialty area of OB/GYN or women's health on or before May 2, 2002 may be certified, provided said applicant submits the following to the Board:

1. Proof of successful completion of a post basic nursing certificate program accredited and/or approved by an entity acceptable to the Board of at least one academic year in the area of OB/GYN or women's health;
2. Proof of current certification from a nationally recognized OB/GYN or women's health certifying body approved by the Board;
3. Proof of successful completion of a six month preceptor program approved or given by an entity acceptable to the Board; and
4. Proof of successful completion of a pharmacology course which meets the following requirements:
 - i. A pharmacology course integrated into the post basic certificate program referred to in (a)2 above or equivalent pharmacology course, as determined by the Board;
 - ii. Each applicant who has completed the pharmacology requirements referred to in (a)4i above more than five years prior to the filing date of the initial application for certification under this subchapter shall be required to successfully complete one of the following:
 - (1) A graduate level credit course in pharmacology from a school duly accredited by any national accrediting agency approved by the Board; or
 - (2) Thirty contact hours of continuing professional education courses devoted to pharmacology and drug management approved by the Board as set forth in N.J.A.C. 13:37-7.2(c)1. Each contact hour shall represent or be equivalent to 50 minutes of actual course attendance.

13:37-7.5 Biennial certification renewal

(a) Every person who has been granted initial certification under N.J.S.A. 45:11-47 and 48 and this subchapter shall submit a timely application for certification renewal on a biennial basis. Subject to the grounds for disciplinary action listed in N.J.S.A. 45:1-21 or elsewhere in N.J.S.A. 45:11-23 et seq. or 45:1-14 et seq., a biennial certificate shall be issued by the Board upon the applicant's submission of proof that during the two calendar years immediately preceding application for renewal the applicant successfully completed 30 contact hours in continuing professional education courses approved by the Board as set forth in N.J.A.C. 13:37-7.2(c)1. Each contact hour shall represent or be equivalent to 50 minutes of actual course attendance. Failure to submit the aforementioned proof of continuing education shall constitute grounds for the refusal to renew said certification.

(b) No person shall practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist unless he or she has been duly issued and received a current biennial certificate to practice as a nurse practitioner/clinical nurse specialist pursuant to N.J.S.A. 45:11-45 et seq.

Board of Nursing Regulations

13:37-7.6 Prescriptive practice

Each nurse practitioner/clinical nurse specialist shall prescribe/order medications and devices in conformity with the provisions of this subchapter, N.J.S.A. 45:11-45 et seq., (especially N.J.S.A. 45:11-49) and jointly developed protocols. Each nurse practitioner/clinical nurse specialist shall prescribe/order medications and devices only at location(s) where written joint protocols are reviewed, updated and signed at least annually by the nurse practitioner/clinical nurse specialist and his or her collaborating physician.

13:37-7.7 Requirements for issuing prescriptions and orders; dispensing medications

(a) Every nurse practitioner/clinical nurse specialist issuing prescriptions and orders or dispensing medications in any setting other than in a licensed acute care or long-term care facility shall provide the following on all said prescriptions and orders:

1. The prescriber's full name, address, telephone number, license number, certification number and academic degree. This information shall be printed on all prescriptions/orders;
2. The full name, age and address of the patient;
3. The date of issuance of prescription/order;
4. The signature of prescriber, hand-written as "R.N., N.P., C." or "R.N., C.N.S., C."; and
5. The full name and academic degree of the collaborating physician. For prescriptions only, the address and telephone number of the collaborating physician shall be printed.

(b) Every nurse practitioner/clinical nurse specialist who prescribes/orders medications shall, in addition to the information set forth in (a) above, provide the following on all prescriptions.

1. The name, strength, route and quantity of drug or drugs to be dispensed;
 2. Adequate instructions for the patient; a direction of "prn" or "as directed" alone shall be deemed an insufficient direction;
 3. The number of refills permitted or time limit for refills, or both;
 4. Every prescription blank shall be imprinted with the words "substitution permissible" and "do not substitute" and shall contain space for the nurse practitioner/clinical nurse specialist's initials next to the chosen option, in addition to the space required for the signature in (a)4 above;
 5. Every nurse practitioner/clinical nurse specialist shall assure that each container of medication dispensed directly to a patient is labeled in a legible manner with at least the following information:
 - i. The full name(s) of the nurse practitioner/clinical specialist and the collaborating physician;
 - ii. The full name of patient;
 - iii. The date medication is dispensed;
 - iv. The expiration date of medication;
 - v. The name, strength and quantity of medication dispensed; and
 - vi. Adequate instructions for the patient regarding the frequency of administration of the medication;
 6. When a nurse practitioner/clinical nurse specialist dispenses a pharmaceutical sample which has been packaged and labeled by the manufacturer and such sample package contains the information required by (b)5ii, v and vi above, the information listed in (b)5i and iii, inclusive, above need not be added;
 7. When a nurse practitioner/clinical nurse specialist dispenses a medication other than a sample exempted pursuant to (b)6 above in a container without sufficient space for the information required by this subsection, the container shall be placed in a large container or envelope and the larger container or envelope shall be labeled as indicated in this subsection; and
 8. Each container of medication dispensed shall contain only one type of medication.
- (c) In no instance shall a nurse practitioner/clinical nurse specialist dispense drugs or sign a blank prescription form without complying with the standards in (b) above.
- (d) In licensed acute care and long term care facilities where routine identifying information is maintained on file in a central repository or in the patients' record, it shall not be required for the nurse practitioner/clinical nurse specialist to include the identifying information contained in (a)1, 2 and 5 above on each prescription or order.

Board of Nursing Regulations

13:37-7.8 Certification by endorsement

A nurse practitioner/clinical nurse specialist certified in another state who wishes to practice as a nurse practitioner/clinical nurse specialist, or present, call or represent himself or herself as a nurse practitioner/clinical nurse specialist must be certified by the Board and must meet all of the requirements provided in N.J.A.C. 13:37-7.1. Said applicant shall submit to the Board an initial certification fee and application for certification by endorsement fee as set forth in N.J.A.C. 13:37-5.8(c). The Board may, in lieu of the examination requirements of N.J.A.C. 13:37-7.1(b)4, accept proof that an applicant holds a current certification in a state whose standards at the time of application are substantially equivalent to those of this State.

13:37-7.9 Requirements for nurse practitioner/clinical nurse specialists certified pursuant to N.J.S.A. 45:11-48

(a) Until October 29, 1994, an individual who submits the following may qualify for certification without completing the educational and examination requirements set forth in N.J.A.C. 13:37-7.2 and 7.3:

1. Proof of a current New Jersey license as a registered professional nurse in good standing;
2. A completed application form and the application fee set forth in N.J.A.C. 13:37-12.1. The application form solicits information including: biographical, educational and experiential data; and
3. Proof that the applicant has been certified as a nurse practitioner/clinical nurse specialist or advanced practice nurse in one or more of the specialization areas listed in N.J.A.C. 13:37-7.11 by a national accrediting agency approved by the Board and that said national accrediting agency certifies that all persons awarded certification have successfully completed a nurse practitioner/clinical nurse specialist or advanced practice nurse program which included pharmacology in its required curriculum.

(b) Each applicant awarded certification under N.J.S.A. 45:11-48 shall be required to meet the pharmacology requirements of N.J.A.C. 13:37-7.2(c) and the biennial certification renewal requirements of N.J.A.C. 13:37-7.4.

13:37-7.10 Practice as registered professional nurse

Nothing in N.J.S.A. 45:11-45 et seq. or this subchapter shall be construed to limit, preclude or otherwise interfere with the practice of nursing as defined by N.J.S.A. 45:11-23 by persons duly licensed as a registered professional nurse in this State, provided that such duties are consistent with the accepted standards of nursing and said registered professional nurse is not represented as a nurse practitioner/clinical nurse specialist.

13:37-7.11 Categories of advanced practice

(a) The following categories of nurse practitioners or clinical nurse specialists may be certified in accordance with the provisions of N.J.S.A. 45:11-45 et seq. and this subchapter:

1. Adult Health;
2. Family;
3. Pediatric;
4. School;
5. Gerontological;
6. Women's Health;
7. OB/GYN;
8. Neonatal;
9. Psychiatric/Mental Health;
10. Community Health;
11. Perinatal;
12. Maternal/child;
13. Oncology;
14. Critical care;
15. Emergency/Burns/Trauma;
16. Medical-Surgical; and
17. Rehabilitation.

(b) Other categories may be approved by the Board through the rulemaking process. Consistent with requirements for approval of the practice areas outlined in this subchapter, any additional approved practice areas must meet nationally accepted standards.

Board of Nursing Regulations

13:37-7.12 (Reserved)

SUBCHAPTER 8. NURSING PRACTICE

13:37-8.1 (Reserved)

13:37-8.2 (Reserved)

13:37-8.3 Sexual misconduct

(a) This section shall apply to all advanced practice nurses, registered professional nurses, licensed practical nurses and homemaker-home health aides licensed or certified by the Board.

(b) As used in this section, the following terms have the following meanings unless the context indicates otherwise: "Board" means the New Jersey Board of Nursing.

"Client or patient" means any person who is the recipient of nursing services or certified homemaker-home health care rendered by a licensee pursuant to N.J.S.A. 45:11-23 et seq.

"Client or patient relationship" means an association between a licensee and client or patient wherein the licensee owes a continuing duty to the client or patient to be available to render nursing services consistent with the licensee's education, training and experience.

"Licensee" means any person licensed or certified by the Board.

"Sexual contact" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the licensee's own prurient interest or for sexual arousal or gratification. "Sexual contact" includes the imposition of a part of the licensee's body upon a part of the client or patient's body, sexual penetration, or the insertion or imposition of any object or any part of a licensee or client or patient's body into or near the genital, anal or other opening of the other person's body.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a licensee's activities or role as a provider of nursing services, and that either: is unwelcome, offensive to a reasonable person, or creates a hostile environment, and the licensee knows, should know or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include conduct of a licensee with an individual whether or not such individual is in a subordinate position to the licensee.

"Spouse" means either the husband, wife or fiancée of the licensee or an individual in a long-term committed relationship with the licensee.

(c) A licensee shall not engage in sexual contact with a client or patient with whom he or she has a client or patient-nurse relationship. The client or patient relationship is considered ongoing for purposes of this section unless:

1. For a homemaker-home health aide, the last homemaker-home health aide service was rendered more than three months prior;
2. For an advanced practice nurse, registered professional nurse or licensed practical nurse, who is not engaged in psychiatric nursing, the last nursing service was rendered more than three months prior;
3. For an advanced practice nurse who practices psychiatric nursing, the last nursing service was rendered more than two years prior; or
4. For a registered professional nurse or a licensed practical nurse who practices psychiatric nursing, the last nursing service was rendered more than one year prior.

(d) A licensee shall not seek or solicit sexual contact with a client or patient with whom he or she has a client or patient relationship and shall not seek or solicit sexual contact with any person in exchange for nursing or homemaker-home health aide services.

(e) A licensee shall not engage in any discussion of an intimate sexual nature with a client or patient, unless that discussion is related to legitimate client or patient needs. Such discussion shall not include disclosure by the licensee of his or her own intimate sexual relationships.

(f) A licensee shall provide privacy and examination conditions which prevent the exposure of the unclothed body of the client or patient unless necessary to the nursing or homemaker-home health aide services rendered.

(g) A licensee shall not engage in sexual harassment, whether in a professional setting or outside of the professional setting.

Board of Nursing Regulations

- (h) A licensee shall not engage in any activity performed with a patient or client which would lead a reasonable person to believe that the activity serves the licensee's personal prurient interests or is for the sexual arousal the sexual or gratification of the licensee or client or patient or which constitutes an act of sexual abuse.
- (i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall be deemed to constitute gross or repeated malpractice pursuant to N.J.S.A. 45:1-21(c) or (d), respectively, or professional misconduct pursuant to N.J.S.A. 45:1-21(e).
- (j) Nothing in this section shall be construed to prevent a licensee from rendering nursing or homemaker-home health aide services to a spouse, providing that the rendering of such nursing services is consistent with accepted standards and that the performance of nursing or homemaker-home health aide services is not utilized to exploit the client or patient for the sexual arousal or sexual gratification of the licensee.
- (k) It shall not be a defense to any action under this section that:
 - 1. The client or patient solicited or consented to sexual contact with the licensee; or
 - 2. The licensee was in love with or had affection for the client or patient.

SUBCHAPTER 9. FORENSIC NURSE - CERTIFIED SEXUAL ASSAULT PROGRAM

13:37-9.1 Purpose and scope

- (a) The purpose of this subchapter is to implement the provisions of P.L. 2001, c.81, which establishes a Statewide Sexual Assault Nurse Examiner Program and authorized the certification of sexual assault nurse examiners by the Board and the Attorney General.
- (b) This subchapter sets forth standards for the education and certification of forensic nurses certified in sexual assault.

13:37-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adult" means a person who is at least 13 years old.

"Board" means the State Board of Nursing.

"Certification" means the formal process by which education is received and the clinical competency of the FN-CSA is demonstrated.

"Child" means a person who is under 13 years.

"Full-time" means that a person has worked at least 800 hours in one year.

"Medical screening examination" means an examination and evaluation within the capability of a hospital's emergency department, including ancillary services routinely available to the emergency department, performed by qualified personnel pursuant to requirements in N.J.A.C. 8:43G-12, which are necessary to determine whether or not an emergency medical condition exists.

"Sexual assault forensic examination" means an assessment conducted by a physician or a registered professional nurse, consisting of a history and physical examination, medical or nursing diagnosis and intervention, including the collection of evidence.

"Forensic nurse - certified sexual assault (FN-CSA)" means a registered professional nurse licensed in New Jersey, and specially trained to provide comprehensive care to sexual assault victims, who demonstrates competency in conducting a sexual assault forensic examination and who has successfully completed a course of education as set forth in this subchapter.

13:37-9.3 Application for certification

- (a) To be eligible for certification as a FN-CSA, an applicant must:
 - 1. Hold a current license as a registered professional nurse from the Board;
 - 2. Have worked full-time for at least two years as a registered professional nurse;
 - 3. Have successfully completed a FN-CSA education course approved by the Board and the Director of the Division of Criminal Justice, pursuant to N.J.A.C. 13:37-9.5; and
 - 4. Have successfully completed the FN-CSA clinical requirement pursuant to N.J.A.C. 13:37-9.6 and passed a clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).
- (b) An applicant who attended a FN-CSA education course prior to July 13, 2004 that has not been approved by the Board and the Director of the Division of Criminal Justice shall be eligible for certification if he or she has met the

Board of Nursing Regulations

requirements of (a)1, 2 and 4 above and can show that the FN-CSA education course he or she completed would have met the requirements of N.J.A.C. 13:37-9.5.

(c) An applicant for certification as a FN-CSA shall submit, or arrange to have submitted, to the Board:

1. A completed application form which shall include the name, address and telephone number of the applicant;
2. Proof that the applicant has successfully completed a FN-CSA education program, as outlined in N.J.A.C. 13:37-9.5, and the clinical requirements of N.J.A.C. 13:37-9.6 and 9.7(d); and
3. The application fee pursuant to N.J.A.C. 13:37-5.5(d)1.

(d) The Board shall review the application and forward it to the Director of the Division of Criminal Justice, or his or her designee. If both the Board and the Director, or his or her designee, agree that the applicant meets the requirements for certification contained in this subchapter, the Board shall certify the applicant.

13:37-9.4 Pediatric sexual assault forensic examinations

No FN-CSA shall perform a sexual assault forensic examination on a child.

13:37-9.5 FN-CSA education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for forensic nurses - certified sexual assault shall submit to the Board an application which shall include:

1. The name and address of the individual, agency or institution seeking approval;
2. Proof that the program has been accredited by the American Nurses Credentialing Center's Commission on Accreditation;
3. An outline of the course curriculum specifying the hours allotted to each topic;
4. An affidavit which indicates that the curriculum is included in the FN-CSA education course;
5. An affidavit that program instructors meet the requirements of (d) below;
6. The names and credentials of all instructors for the program; and
7. The name and credentials of the program administrator.

(b) Upon receipt of an application for course approval, the Board shall forward the application to the Director of the Division of Criminal Justice for review. The Board and the Director of the Division of Criminal Justice shall review the application for compliance with (c) below. If the Director of the Division of Criminal Justice and the Board approve the program, a letter of approval shall be provided to the individual, agency or institution which conducts the course. A copy of the letter of approval shall be included with course materials provided to the students.

(c) A course in FN-CSA education shall be completed within a six-month period. A course shall contain a minimum of 40 hours of didactic instruction in the following:

1. Historical perspectives of sexual assault and forensic nurses - certified sexual assault, for a minimum of one-half hour;
2. Definitions and facts of sexual assault, for a minimum of one hour;
3. Role and responsibility of the forensic nurse - certified sexual assault, for a minimum of one and one-half hours;
4. Orientation to the biopsychosocial aspects of sexual assault issues and cultural needs of the sexual assault victim, for a minimum of one hour;
5. Symptomology of survivors and crisis intervention skills, for a minimum of one hour;
6. Rape trauma syndrome and post-traumatic stress disorder, for a minimum of one hour;
7. Needs of special populations, such as persons with physical or mental disabilities or older adults, for a minimum of one and one-half hours;
8. Vicarious victimization, for a minimum of one-half hour;
9. Identification of the practice skills necessary to complete the sexual assault forensic examination, for a minimum of one hour;
10. History-taking skills, for a minimum of two hours;
11. Components of a thorough forensic physical assessment, for a minimum of two hours;
12. Orientation to the female and male genital anatomy and development stages, for a minimum of one and one-half hours;
13. Detailed genital examination for injury identification, for a minimum of three hours;
14. Familiarization with fact based documentation, for a minimum of one and one-half hours;

Board of Nursing Regulations

15. Laws specific to sexual assault, for a minimum of one hour;
 16. Laws and procedures for evidence collection, for a minimum of two hours;
 17. Medical and nursing treatment for the adult sexual assault survivor, for a minimum of one hour;
 18. Review of the Nurse Practice Act, N.J.S.A. 45:11-24 et seq., and its application to FN-CSA practice, for a minimum of one-half hour;
 19. Various stages of genital healing, for a minimum of one hour;
 20. Medical treatment/forensic implications of sexually transmitted diseases, for a minimum of one hour;
 21. County multi-disciplinary team system approach, review of Sexual Assault Response Team policies and procedures for a minimum of two hours;
 22. Examinations of sexual assault victims, utilizing specialized adjunct equipment including a colposcope, for a minimum of two hours;
 23. Laws specific to the reporting of sexual abuse of special populations, for a minimum of one hour;
 24. Fact and expert witness testimony, for a minimum of two hours;
 25. Criminal trial procedure, for a minimum of one hour;
 26. Testimony techniques, for a minimum of one hour;
 27. Medical screening examinations, as required by 42 CFR § 489.24 and N.J.A.C. 8:43G, for a minimum of one-half hour;
 28. Ethics of nursing and ethical considerations pertaining to evidence collection, for a minimum of one hour;
 29. Issues relating to drug facilitated sexual assault, for a minimum of one hour; and
 30. Discharge planning for the sexual assault victim, for a minimum of one hour.
- (d) The didactic instruction required in (c) above shall be taught by an instructor who either has a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education, or who is a FN-CSA. Didactic instruction in topics required by (c)15, 23, 24, 25 and 26 above may be taught by an attorney. Didactic instruction in topics required by (c)16 above may be taught by an attorney or by an investigator or detective who is part of a New Jersey law enforcement agency. Didactic instruction in topics required by (c)1, 5, 6, 7 and 21 above may be taught by an individual who is recognized as a rape care advocate pursuant to N.J.S.A. 52:4B-52.
- (e) Each clinical forensics course shall include a written examination. Upon completion of the clinical forensics course, each student shall successfully pass the examination.
- (f) Every program shall have an administrator who has direct authority for the fiscal and academic administration of the program. The administrator shall have a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education.
- (g) The clinical forensics course shall meet the requirements of Educational Design I or Educational Design II programs as set forth by the American Nurses Credentialing Center's Commission on Accreditation in the "Manual for Accreditation as an Approver of Continuing Education in Nursing" (1996), available from the American Nurses Credentialing Center, 600 Maryland Ave., SW, Suite 100 West, Washington, DC 20024-2571, which is incorporated herein by reference, as amended and supplemented.

13:37-9.6 Clinical education

- (a) Applicants for certification as a FN-CSA shall complete classroom education, pursuant to N.J.A.C. 13:37-9.5, before beginning their clinical education.
- (b) An applicant shall complete a clinical program consisting of:
1. A minimum of 10 routine gynecological genital inspections, which include speculum examinations, in a clinic or in clinical settings supervised by an advanced practice nurse or physician; and
 2. A minimum of five simulated sexual assault examinations using a State of New Jersey Sexual Assault Evidence Collection Kit, in a clinical examination facility approved by the Board and the Director of the Division of Criminal Justice pursuant to N.J.A.C. 13:37-9.7 or run by the Division of Criminal Justice.
- (c) Documentation of the completed clinical education shall be dated and signed by the supervising advanced practice nurse or physician.

Board of Nursing Regulations

(d) An individual who attended to five victims of sexual assault as part of a county FN-CSA program prior to July 13, 2004 shall be deemed to have met the requirements of (b)2 above and need not complete the five simulated sexual assault examinations required by (b)2 above in order to obtain certification.

13:37-9.7 Clinical education facilities

(a) A Board accredited school of nursing may apply to the Board for approval as a clinical education facility. An applicant for approval shall submit to the Board:

1. Documents which show that the clinical education facility is equipped with a colposcope and all other equipment needed for a comprehensive sexual assault forensic examination;
2. Evidence that the clinical education facility has a person who will act as a surrogate sexual assault victim;
3. An outline of what the person(s) acting as a surrogate sexual assault victim will say during a sexual assault examination;
4. Evidence that the clinical education facility can provide the opportunity for individuals to complete the five sexual assault examinations required by N.J.A.C. 13:37-9.6(b); and
5. After July 13, 2005, evidence that the training facility has an instructor who is a FN-CSA.

(b) The Board shall review the application to ensure that the clinical education facility meets the requirements of (a) above and shall forward the application to the Director of the Division of Criminal Justice for approval. Once the Board and the Director have approved the clinical education facility the Board shall send a letter to the clinical education facility indicating that it has been approved.

(c) An approved clinical education facility shall provide an opportunity for individuals to complete the five sexual assault forensic examinations required by N.J.A.C. 13:37-9.6(b)2.

(d) An approved clinical education facility shall, upon completion of the clinical education required by N.J.A.C. 13:37-9.6(b)2, provide an examination which tests the ability of a forensic nurse - certified sexual assault applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

13:37-9.8 Renewal of certification

(a) Certification as a FN-CSA shall be valid for two years.

(b) Certified FN-CSAs shall renew certification biennially by submitting to the Board:

1. A completed application for renewal; and
2. The biennial renewal fee, pursuant to N.J.A.C. 13:37-5.5(d)3.

13:37-9.9 Revocation or suspension of certification

(a) The Board and the Director of the Division of Criminal Justice may revoke or suspend a certification, after affording an opportunity to be heard, if they find that a FN-CSA has:

1. Falsified documentation;
2. Violated patient confidentiality;
3. Been convicted of a crime;
4. Been convicted of an offense involving perjury, dishonesty, fraud or misrepresentation, or sex offense; or
5. Violated the provisions of N.J.S.A. 45:1-21.

13:37-9.10 Endorsement

(a) A registered professional nurse, licensed in New Jersey, who is working as a FN-CSA in another state may apply for certification as a FN-CSA in New Jersey if the applicant is certified by another state as a FN-CSA and the applicant:

1. Has completed a course and clinical education substantially similar to the requirements of N.J.A.C. 13:37-9.5 and 9.6;
2. Takes a one-day course which covers the information required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
3. Passes a clinical competency examination given by a clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant for certification by endorsement shall submit to the Board:

1. A completed application for certification by endorsement form which shall include the

Board of Nursing Regulations

name, address and telephone number of the applicant;

2. Evidence that the applicant is licensed as a registered professional nurse in New Jersey;

3. Evidence that the applicant is certified in another state and has worked in the past year as a FN-CSA, or its equivalent;

4. Evidence that the applicant has successfully completed a course with a curriculum substantially similar to that required by N.J.A.C. 13:37-9.5;

5. Evidence that the applicant has successfully completed clinical education which is substantially similar to that required by N.J.A.C. 13:37-9.6;

6. Evidence that the applicant has passed a clinical competency examination given by an approved clinical examination facility;

7. Evidence that the applicant has taken a one day course which reviews those topics required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and

8. The application fee pursuant to N.J.A.C. 13:37-5.5(d)4.

(c) The Board shall review the endorsement application and forward it to the Director of Criminal Justice for review and approval. Once both the Board and the Director have approved the applicant, the Board shall issue the applicant a certification as a FN-CSA in New Jersey.

SUBCHAPTERS 10. THROUGH 12. (RESERVED)

SUBCHAPTER 13. NURSE ANESTHETISTS

13:37-13.1 Nurse anesthetist practice

(a) A licensee who wishes to practice as a nurse anesthetist shall:

1. Hold current licensure as a registered professional nurse in this State;

2. Have graduated from a program in nurse anesthesia accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists;

3. Pass the certifying examination administered by the Council on Certification of Nurse Anesthetists of the American Association of Nurse Anesthetists; and

4. Recertify biennially with the Council on Recertification of Nurse Anesthetists of the American Association of Nurse Anesthetists.

(b) A nurse anesthetist shall only practice at a location which has established written policies and procedures which meet minimum accepted standards of nurse anesthesia practice and the standards of the American Association of Nurse Anesthetists. A nurse anesthetist shall comply with said policies and procedures and shall ensure that they are reviewed annually, revised as necessary and that they address at least the following areas: verification of qualifications; continuing education; delineation of the responsibilities of all personnel; anesthetic agents which may be administered and under what conditions and/or supervision; pre-anesthesia evaluation; patient preparation; intra-operative monitoring; post-operative monitoring; peri-operative documentation (pre/intra/post-operative); administration and documentation of medications; responsibilities of all personnel for assuring that anesthesia supplies and equipment are available and in working order; and patient emergencies.

13:37-13.2 Practice pending the results of the examination

(a) Pending the results of the first scheduled certifying examination following completion of an approved program in nurse anesthesia, a graduate nurse anesthetist who meets the requirements of N.J.A.C. 13:37-13.1(a)1 and 2 may practice as a nurse anesthetist under the direct supervision of a certified registered nurse anesthetist or qualified physician-anesthesiologist unless otherwise prohibited by State law or regulation. For the purpose of this subsection direct supervision shall mean the physical presence of said supervisor within the immediately accessible area, unit or suite in which anesthesia is being administered.

(b) A nurse anesthetist who fails to apply and sit for or fails to pass the first scheduled certifying examination following completion of an approved program in nurse anesthesia shall not continue to practice after the date of said examination.

SUBCHAPTER 14. HOMEMAKER-HOME HEALTH AIDES

13:37-14.1 Purpose and scope

Board of Nursing Regulations

- (a) The rules in this subchapter are designed to protect the health and safety of the public through certification of homemaker-home health aides, pursuant to N.J.S.A. 45:11-24(d)(20).
- (b) This subchapter prescribes standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide, as defined in this subchapter, is required to complete in order to work in this State. This subchapter also establishes standards and requirements for homemaker-home health aide certification and for the renewal, suspension or revocation of that certification.

13:37-14.2 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Activities of daily living" means the functions or tasks for self-care which are performed either independently or with supervision or assistance. Activities of daily living include at least mobility, transferring, walking, grooming, bathing, dressing and undressing, eating, and toileting.

"Homemaker-home health aide" means a person who is employed by a home care services agency and who, under supervision of a registered professional nurse, follows a delegated nursing regimen or performs tasks which are delegated consistent with the provisions of N.J.A.C. 13:37-6.2.

"Program coordinator" means the nurse responsible for the training program curriculum.

"Program sponsor" means the agency, hospital or educational institution or entity granted approval by the Board of Nursing to conduct a homemaker-home health aide training program.

13:37-14.3 Duties of a homemaker-home health aide; supervision

- (a) The duties of a homemaker-home health aide may include, but not be limited to, providing personal care and homemaking services essential to the patient's health care and comfort at home, including shopping, errands, laundry, meal planning and preparation (including therapeutic diets), serving of meals, child care and assisting the patient with activities of daily living.
- (b) A homemaker-home health aide shall not administer medications.
- (c) The registered professional nurse who is supervising a homemaker-home health aide shall ensure that the patient care provided by the homemaker-home health aide does not exceed the tasks and procedures which the homemaker-home health aide has satisfactorily demonstrated, as documented by the registered professional nurse.

13:37-14.4 Homemaker-home health aide training program

- (a) A homemaker-home health aide training program may be conducted by a home care agency licensed by the Division of Consumer Affairs; a home health agency or hospital licensed by the Department of Health; an educational institution approved by the New Jersey State Department of Education or the Department of Higher Education; or a home care agency accredited by an independent national or state accrediting body which is without direct or indirect financial interest in the agency. Said accrediting body shall have prior approval of the Board of Nursing.
- (b) A homemaker-home health aide training program shall consist of at least 76 hours, to include 60 hours of classroom instruction and 16 hours of clinical instruction in a skills laboratory or patient care setting, covering topics outlined in (d) below and N.J.A.C. 13:37-14.5. The student-to-instructor ratio for classroom instruction shall not exceed 30 students to one classroom instructor.
- (c) The 16 hours of clinical instruction in a skills laboratory or patient care setting shall be supervised by a registered professional nurse. The supervision ratio shall not exceed 10 homemaker-home health aides to one registered professional nurse.
- (d) The curriculum for a homemaker-home health aide training program shall include instruction in:
 - 1. The role of unlicensed assistive personnel in nursing care settings, including:
 - i. Long term care, acute care, subacute, outpatient services, rehabilitation centers, home care agencies, assisted living and hospice;
 - ii. The role, responsibilities and scope of practice of the registered nurse;
 - iii. The role, responsibilities and scope of practice of the licensed practical nurse;
 - iv. The role and responsibilities of the unlicensed assistive personnel; and
 - v. Legal and ethical considerations for the unlicensed assistive personnel, such as client rights, confidentiality, accountability, legal documentation, eligibility, reporting physical, mental, verbal, emotional and financial abuse, and maintenance of certification including necessity for unlicensed assistive personnel

Board of Nursing Regulations

- to complete a course, competency testing and criminal background checks;
- 2. Foundations for working with people, including:
 - i. Components of communication;
 - ii. Factors that affect communication;
 - iii. Barriers to communication;
 - iv. Enhancing communication;
 - v. Skills for basic communication;
 - vi. Communicating with staff members;
 - vii. Guidelines for communicating with individuals who are visually impaired, hearing impaired, speech impaired, cognitively impaired, experiencing stress or who have transcultural considerations; and
 - viii. An introduction to human behavior including instruction on understanding basic human needs, understanding mental health, emotional growth and needs throughout a person's lifetime, behavior as a response to stress or unmet needs, responses to changes in health, spiritual needs and reactions to loss, grief and dying;
- 3. Foundations for a safe client environment, including:
 - i. Environmental conditions;
 - ii. Physical conditions including potential hazards and safety measures;
 - iii. Emotional conditions including potential hazards and protective measures;
 - iv. Prevention of, and response to, fire and disaster emergencies;
 - v. Infection control, including the chain of infection, standard precautions, hazardous waste and special concerns regarding tuberculosis (TB), Human Immunodeficiency Virus (HIV) and Hepatitis B;
 - vi. Body mechanics; and
 - vii. Medical emergencies, emergency preparedness and guidelines for handling medical emergencies;
- 4. The musculoskeletal system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the musculoskeletal system;
 - iii. Examples of changes in the musculoskeletal system to report to a nurse; and
 - iv. Client care procedures related to the musculoskeletal system including exercise, activity and positioning, range of motion, transferring, ambulation, and assistive devices;
- 5. The integumentary system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the integumentary system;
 - iii. General skin care;
 - iv. Examples of changes in the integumentary system to report to a nurse; and
 - v. Client care procedures related to the integumentary system including personal hygiene and positioning;
- 6. The upper gastrointestinal system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the upper gastrointestinal system;
 - iii. General care including nutrition across the lifespan, factors affecting nutrition, therapeutic diets and alternative nutrition sources;
 - iv. Examples of gastrointestinal changes to report to a nurse; and
 - v. Client care procedures related to upper gastrointestinal system;
- 7. The lower gastrointestinal system:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the lower gastrointestinal system;
 - iii. General care including factors affecting bowel elimination;
 - iv. Examples of gastrointestinal changes to report to a nurse; and
 - v. Client care procedures related to lower gastrointestinal system;
- 8. The urinary system, including:
 - i. Overview of anatomy and physiology;

Board of Nursing Regulations

- ii. Common conditions and disorders of the urinary system, specifically incontinence;
 - iii. Examples of urinary changes to report to a nurse; and
 - iv. Client care procedures related to the urinary system;
 - 9. The cardiovascular and respiratory systems, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the cardiovascular and respiratory systems;
 - iii. Examples of cardiovascular or respiratory changes to report to a nurse; and
 - iv. Client care procedures related to cardiovascular and respiratory systems specifically, vital signs, applying antiembolism stockings, assisting the client to use oxygen and positioning the client for circulatory and respiratory comfort;
 - 10. Neurological system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the neurological system;
 - iii. Examples of neurological changes to report to a nurse; and
 - iv. Client care procedures related to the neurological system, specifically, care needs of a client with cognitive impairment, care of a client with a seizure disorder, care of a client following a stroke and rehabilitation or restorative care;
 - 11. The endocrine system, including:
 - i. Overview of anatomy and physiology;
 - ii. Common conditions and disorders of the endocrine system;
 - iii. Changes to report to a nurse, including hyperglycemia and hypoglycemia and their causes, symptoms and emergency response; and
 - iv. Client care related to the endocrine system, specifically foot care, skin care and nutrition for a client with diabetes;
 - 12. The reproductive system, including:
 - i. Overview of anatomy and physiology;
 - ii. The structure of, function of and age related changes to reproductive organs;
 - iii. Common conditions and disorders of the reproductive system, specifically sexually transmitted diseases such as gonorrhea, syphilis, herpes and Acquired Immunodeficiency Syndrome (AIDS); and
 - iv. Examples of changes in the reproductive system to report to a nurse;
 - 13. The immune system, including:
 - i. Overview of anatomy and physiology; and
 - ii. Common conditions and disorders of the immune system, such as AIDS, HIV and cancer;
 - 14. Rest and sleep, including:
 - i. Functions of rest and sleep;
 - ii. Factors affecting and/or causing sleep disturbances; and
 - iii. Promoting sleep; and
 - 15. Death and dying, including:
 - i. Responding to the physical and emotional needs of a client with a terminal illness;
 - ii. Legal and quality of life issues including the New Jersey Advance Directives for Health Care Act (N.J.S.A. 26:2H-53 et seq.), living wills and "do not resuscitate" orders;
 - iii. Signs of impending death; and
 - iv. Post-mortem care of the patient.
- (e) Written approval of the Board of Nursing is required prior to commencement of the training program, which approval shall be granted for a 12-month period.
- (f) At the discretion of the Board, program approval may be contingent upon a visit to the program site by a representative of the Board.
- (g) The Board may deny or revoke program approval if the program sponsor does not meet the standards set forth in this subchapter.

Board of Nursing Regulations

13:37-14.5 Home care and hospice care training programs

(a) In addition to the curriculum training requirements of N.J.A.C. 13:37- 14.4(d), the training program for a homemaker-home health aide in home care or hospice care shall include instruction in:

1. The role of the homemaker-home health aide, including:
 - i. Settings utilizing homemaker-home health aides;
 - ii. Role of the homemaker-home health aide; and
 - iii. Legal and ethical considerations for the homemaker-home health aide;
2. The foundations for working with the home care client, the family and significant others of the home care client and home care team members, including:
 - i. Communication with the client and the client's family and significant others;
 - ii. Barriers to communication;
 - iii. Communication with the home care team; and
 - iv. Maintaining relationships with the client and the client's family and significant others;
3. Foundations for a safe client environment, including:
 - i. General home safety;
 - ii. Fire safety;
 - iii. Personal safety and body mechanics;
 - iv. Infection control;
 - v. Emergencies; and
 - vi. Assistance with medications;
4. Home care considerations, including:
 - i. Food;
 - ii. Housekeeping;
 - iii. Use and care of medical equipment in the home;
 - iv. Cultural diversity; and
 - v. Death and dying;
5. Infant and child care, including:
 - i. Introduction to infant and child care; and
 - ii. Family dynamics; and
6. The responsibility of an agency to the homemaker-home health aide, including:
 - i. The supervision to be provided by a registered professional nurse;
 - ii. The agency's responsibility to comply with Federal and State employment laws;
 - iii. Mandatory taxes to be withheld by the agency;
 - iv. In-services provided to the homemaker-home health aide;
 - v. Job descriptions provided by the agency;
 - vi. Personnel policies of the agency;
 - vii. Service policies and procedures of the agency; and
 - viii. Agency policies on patient and family confidentiality.

13:37-14.6 Program sponsor; responsibilities

(a) The program sponsor shall provide an appropriately equipped classroom and skills laboratory with sufficient equipment and resources to provide for efficient and effective theoretical and clinical learning experiences.

(b) The program sponsor shall submit the following to the Board of Nursing at least two months prior to the commencement of the training program:

1. A Board of Nursing application for program approval. The application form requests the name and address of the agency or school, course offering dates and location, tentative number of trainees and name and address of program coordinator. Two supplemental forms which must accompany the application are a faculty approval application which requests the name of the instructor assigned to each session and an instructor personnel record which requests brief biographical and educational information for each instructor;
2. The annual program approval fee for each location at which the program will be offered, as set forth in N.J.A.C. 13:37-12.1(c)1; and
3. Resume(s) of nursing instructor(s). The resume shall include the instructor's name, address, education (institution, type of degree or diploma, month and year of graduation),

Board of Nursing Regulations

work experience (employer's name and address, dates of employment, including month and year, job title, whether full-time or part-time), and New Jersey license or certification number, as appropriate.

(c) The program sponsor shall not, without prior notice to and approval by the Board, make additions to or deletions from a training program which has been approved by the Board of Nursing.

(d) The program sponsor shall notify the Board of Nursing, at least two weeks prior to each program session, of the location and the beginning and ending dates of the program session.

(e) Except in an emergency situation, the program sponsor shall notify the Board of Nursing in writing of any program session cancellation or change, such as a change in location, nursing instructor or dates, at least one week prior to any such cancellation or change. No cancellation or change shall be implemented without the written approval of the Board.

(f) The program sponsor's responsibilities shall include, but not be limited to, the following:

1. Establishing and implementing policies and procedures for the coordination of instruction, including designating a responsible program manager;
2. Maintaining on file a copy of the lesson plan for the curriculum;
3. Establishing methods or provisions to ensure that an absent student receives the required classroom and/or clinical instruction missed;
4. Establishing and maintaining records for each student. The student record shall include, at a minimum, the following:
 - i. The beginning and ending dates of the program session;
 - ii. An attendance record, including the dates of any makeup sessions; and
 - iii. Evaluation of the student's performance by the classroom instructor and by the registered professional nurse who supervised the student's clinical instruction; and
5. Developing, implementing and maintaining on file a plan for evaluating the effectiveness of the program. The evaluation plan shall include, at a minimum, the following:
 - i. The name of the person responsible for implementing the evaluation plan;
 - ii. An annual written training program evaluation report, including findings, conclusions and recommendations;
 - iii. A written evaluation of instructor(s) performance;
 - iv. Program, faculty and student data, which shall include, at a minimum, the following:
 - (1) The beginning and ending dates of each program session;
 - (2) The number of students enrolled;
 - (3) The number and percentage of students who satisfactorily completed the program;
 - (4) The number and percentage of students who failed the program;
 - (5) The number and percentage of students in each program who passed the New Jersey Homemaker-Home Health Aide Certification Examination; and
 - (6) The number and percentage of students in each program who failed the New Jersey Homemaker-Home Health Aide Certification Examination.

(g) The program sponsor shall not use the homemaker-home health aide training program as a substitute for staff orientation or staff continuing education programs.

13:37-14.7 Program coordinator; responsibilities

(a) The homemaker-home health aide training program shall be coordinated by a registered professional nurse licensed in New Jersey with:

1. A minimum of a bachelor's degree in nursing; and
2. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care.

(b) The program coordinator's responsibilities shall include, but not be limited to, the following:

1. Ensuring that the curriculum is coordinated and implemented in accordance with this subchapter.
2. Establishing job descriptions indicating the responsibilities of each instructor;

Board of Nursing Regulations

3. Ensuring that each instructor meets the qualifications specified in N.J.A.C. 13:37-14.8;
4. Ensuring that the program sponsor has available the resume of each instructor;
5. Ensuring that each student is supervised by a registered professional nurse during the student's clinical experience;
6. Ensuring that the registered professional nurse supervising the student evaluates the student's clinical performance and transmits the results of the evaluation to the classroom nursing instructor; and
7. Ensuring that patient care provided during the training period by the student is provided in a safe and competent manner and that the tasks and procedures delegated to the student in accordance with N.J.A.C. 13:37-6.2 do not exceed the tasks and procedures which the student has satisfactorily demonstrated as documented by the registered professional nurse.

(c) Program coordinators who do not have a bachelor's degree in nursing but who are otherwise bachelor's or master's prepared and who began their employment on or before June 6, 1994 may qualify for an exemption from the requirements of subsection (a) subject to Board approval.

13:37-14.8 Program instructor; responsibilities

(a) Except as set forth in (c) below, classroom instruction shall be provided by:

1. A registered professional nurse licensed in New Jersey with at least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; or
2. A registered professional nurse who meets the qualifications set forth in (a)1 above and a multidisciplinary team of individuals which may include, but not be limited to, a registered dietician, licensed social worker, licensed psychologist, licensed physical therapist, mental health consultant, licensed speech-language pathologist, public health nurse, home economist, occupational therapist, and/or member of the clergy.

(b) Except as set forth in (c) below, supervised clinical experience shall be provided to the student by a registered professional nurse with:

1. At least two years of full-time or full-time equivalent experience as a registered professional nurse within the five-year period immediately preceding application, one year of which shall have been in community health, public health or home care; and
2. At least six months of full-time or full-time equivalent experience in the supervision of homemaker-home health aides.

(c) Program instructors who began their employment on or before June 6, 1994 and who have been previously approved by the Board may qualify for an exemption from the requirements of (a) and (b) above.

(d) The program instructor's responsibilities shall include, but not be limited to, the following:

1. Developing a lesson plan for each content area prior to the starting date of the program.
The lesson plan shall include:
 - i. The behavioral objective(s) of the lesson;
 - ii. The content of the lesson;
 - iii. A description of clinical activities for each lesson;
 - iv. The hours of instruction; and
 - v. Method(s) of presentation and teacher strategies;
2. Developing and implementing criteria for evaluating the classroom and clinical performance of students; and
3. Developing and implementing criteria to determine whether a student has satisfactorily completed the training program.

13:37-14.9 Homemaker-home health aides; training program requirement

Every applicant for certification as a homemaker-home health aide in this State shall be required to complete a training program approved by the Board of Nursing, except as provided in N.J.A.C. 13:37-14.12 and 14.14. The applicant shall have completed the training program no later than four months after commencing the program.

13:37-14.10 Application for certification; documents required

(a) An applicant for certification as a homemaker-home health aide shall submit the following to the Board:

Board of Nursing Regulations

1. Evidence of satisfactory completion of a homemaker-home health aide training program approved by the Board;
2. Evidence in such form as the Board may prescribe that the applicant is of good moral character, is not a habitual user of controlled substances and has never been convicted of or pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging violation of a Federal or state law; and
3. The application fee as set forth in N.J.A.C. 13:37-5.8(b)1.

13:37-14.11 Competency examination

- (a) Upon successful completion of an approved training program, the applicant shall register for the next scheduled administration of the competency examination administered by the Board or a Board-approved testing service.
- (b) The applicant may be employed by a home health care agency under the supervision of a registered professional nurse while waiting to take the next scheduled administration of the competency examination.
- (c) The competency examination shall be an examination administered by the Board of Nursing or a Board-approved testing service at least four times a year.
- (d) The passing score on the examination shall be established and reviewed annually by the Board.
- (e) An individual who fails the competency examination may retake the examination provided that he or she registers for the next scheduled administration of the examination.
- (f) An individual awaiting the next scheduled administration of the examination in accordance with (e) above may continue to be employed by a home health care agency under the supervision of a registered professional nurse.
- (g) If the individual fails in the second attempt to pass the examination, he or she shall successfully complete another homemaker-home health aide training program approved by the Board before taking the examination again. This individual shall not be employed as a homemaker-home health aide until he or she passes the examination.
- (h) Upon application to the Board, an individual may satisfy the examination requirement for certification as a homemaker-home health aide by passing an oral competency evaluation in English or Spanish.

13:37-14.12 Waiver of training program requirement

Current nursing students who have successfully completed a course in fundamentals/basic nursing may take the competency examination without first completing an approved training program.

13:37-14.13 Initial certification and renewal

- (a) An individual who passes the competency examination may be eligible for certification by the Board as a homemaker-home health aide.
- (b) Certification shall be renewed on a biennial basis unless disciplinary action against the certified person has been instituted by the Board.

13:37-14.14 Certification by endorsement

- (a) An individual certified as a homemaker-home health aide in another state who can verify successful completion of an equivalent homemaker-home health aide program and competency examination may be eligible for certification by endorsement.
- (b) An individual who applies for certification by endorsement shall also submit an initial certification fee and an application for certification by endorsement fee as set forth in N.J.A.C. 13:37-5.8.

13:37-14.15 Duties and powers of the Board

- (a) The Board may deny or revoke training program approval if the program sponsor has failed to comply with N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.
- (b) The Board may investigate complaints made against a program sponsor or certified homemaker-home health aide and may conduct hearings in connection with such complaints.
- (c) The Board may suspend or revoke the certification of a homemaker-home health aide who has violated any provisions of N.J.S.A. 45:11-24(d)(20) to (24) or this subchapter.
- (d) Any Board action for certification suspension or revocation or training program revocation shall take place only upon notice to the licensee and the opportunity for a hearing in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Board of Nursing Regulations

(e) Decisions on violations shall be a public record maintained by the Board pursuant to N.J.S.A. 45:11-24(d)(20) and (24).

SUBCHAPTER 15. (RESERVED)

SUBCHAPTER 16. MASSAGE, BODYWORK AND SOMATIC THERAPY EXAMINING COMMITTEE

13:37-16.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 1999, c.19 (N.J.S.A. 45:11-53 et seq.), which created the "Massage, Bodywork and Somatic Therapy Examining Committee" under the Board of Nursing.

(b) This subchapter shall apply to all applicants who seek certification by the Committee as a massage, bodywork and somatic therapist and to all persons who are certified by the Committee as a massage, bodywork and somatic therapist in this State.

(c) This subchapter does not apply to any person who renders massage, bodywork and somatic therapy as long as the person does not use the title "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," or "certified massage, bodywork and somatic therapist," "certified massage therapist," "certified bodywork therapist," "certified somatic therapist," "massage and bodywork therapist," "registered massage and bodywork therapist," "certified massage and bodywork therapist," "certified oriental bodywork therapist," "certified Asian bodywork therapist," "certified somatic therapist," "certified bodywork therapist," or the abbreviations "MBT," "RMBT," "CMBT," "CMBST," "COBT," "CABT," "CST," "CBT," or "CMT."

(d) This subchapter does not govern the application or practice of "alternative medicines" that do not constitute massage, bodywork and somatic therapy.

13:37-16.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Massage, Bodywork and Somatic Therapist Certification Act, N.J.S.A. 45:11-53 et seq.

"Board" means the New Jersey Board of Nursing.

"Certificate" means the document, issued by the Committee, which authorizes a person to utilize the titles set forth in N.J.S.A. 45:11-65 and 66 and N.J.A.C. 13:37-16.9.

"Certificant" means any person who holds a certificate from the Committee as a massage, bodywork and somatic therapist.

"Committee" means the Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to N.J.S.A. 45:11-56.

"Full time practice" means a person has provided a minimum of 750 hours of massage, bodywork and somatic therapies to clients during a year.

"Massage, bodywork and somatic therapies" or "massage, bodywork and somatic" means systems of activity of structured touch which include holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic systems of the body for the purpose of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

"NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

"NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

"Part time practice" means a person has provided a minimum of 300 hours of massage, bodywork and somatic therapies to clients during a year.

13:37-16.3 Certification without education or examination

(a) Prior to November 5, 2006, a person may apply for certification without satisfying the education or examination requirements of N.J.A.C. 13:37-16.4 if the person has completed a minimum of 200 hours of education and training as provided in (b) below and the person has:

1. Practiced full-time as a massage, bodywork and somatic therapist for at least two years

Board of Nursing Regulations

prior to November 15, 2004; or

2. Practiced part-time as a massage, bodywork and somatic therapist for five years prior to November 15, 2004.

(b) The 200 hours of education and training required pursuant to (a) above shall be taken in a massage, bodywork and somatic training program which is approved by the New Jersey Department of Education, a Department of Education of another state or a program which substantially meets the requirements of the New Jersey Department of Education as set forth in N.J.S.A. 18A:69-1 et seq. and N.J.A.C. 6A:18-1 and shall consist of:

1. Anatomy and physiology: 45 hours or three credits in a college or university accredited by an accrediting agency recognized by the United States Department of Education;

2. Theory and practice: 150 hours; and

3. Ethics: five hours, which shall include:

i. Confidentiality/privacy;

ii. Sexual misconduct;

iii. Financial misconduct;

iv. Boundary issues;

v. Conflicts of interest; and

vi. Appropriate referrals.

(c) The applicant shall submit to the Committee a completed application which shall include:

1. A notarized affidavit stating that the applicant has worked full-time for the past two years or part-time for the past five years and indicating what methods of massage, bodywork and somatic therapy the applicant practiced. The affidavit shall attest to the authenticity of supporting records such as tax returns, bank statements and accounting records, which may be attached to the affidavit;

2. Evidence that the applicant has completed 200 hours of education or training in massage, bodywork and somatic therapies consistent with (b) above;

3. Proof that the applicant has current certification in Basic Life Support (BLS) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;

4. Two affidavits of good moral character; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

(d) The Committee shall issue a certificate of certification to an applicant who qualifies pursuant to (a), (b) and (c) above if the applicant is not disqualified for certification pursuant to the provisions of N.J.S.A. 45:1- 14 et seq.

13:37-16.4 Application for certification

(a) An applicant for certification shall qualify for certification by either:

1. Completing a course of study in massage, bodywork and somatic therapies; or

2. Successfully passing either the NCBTMB or the NCCAOM examination.

(b) An applicant who qualifies for certification pursuant to (a)1 above shall submit to the Committee:

1. A completed application;

2. A transcript from a school of massage, bodywork and somatic therapies approved by the New Jersey Department of Education, a Department of Education of another state or which substantially meets the requirements of the New Jersey Department of Education as set forth in N.J.S.A. 18A:69-1 et seq. and N.J.A.C. 6A:18-1 which indicates that the applicant has completed the course of study outlined in (d) below;

3. Proof that the applicant has current certification in Basic Life Support (BLS) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;

4. Two affidavits of good moral character; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

(c) An applicant who qualifies for certification pursuant to (a)2 above shall submit to the Committee:

1. A completed application;

2. Proof that the applicant has successfully passed the written examination offered by the NCBTMB or the NCCAOM;

3. Proof that the applicant has current certification in Basic Life Support (BLS) from a

Board of Nursing Regulations

course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;

4. Two affidavits of good moral character; and

5. The application fee set forth in N.J.A.C. 13:37-5.5(e).

(d) A course of study in massage, bodywork and somatic therapy shall include:

1. Anatomy/Physiology/Pathophysiology: 100 hours;

2. Ethics: six hours, which includes:

i. Confidentiality/privacy;

ii. Sexual misconduct;

iii. Financial misconduct;

iv. Boundary issues;

v. Conflicts of interest; and

vi. Appropriate referrals;

3. Law: six hours, which shall include local, State and Federal law and regulations regarding the practice of massage, bodywork and somatic therapy;

4. Theory and Practice: 225 hours;

5. Supervised clinical practice: 100 hours; and

6. Electives directly related to the practice of massage, bodywork and somatic therapy: 70 hours.

(e) The Committee shall issue a certificate of certification to an applicant who qualifies pursuant to (a), (b), (c) and (d) above if the applicant is not disqualified for certification pursuant to the provisions of N.J.S.A. 45:1- 14 et seq.

13:37-16.5 Certification without examination based on licensure in another state

(a) A person who is certified or licensed in another state as a massage, bodywork and somatic therapist shall be eligible for certification in this State if the educational requirements of the state in which he or she is certified or licensed are substantially similar to the educational requirements of this State.

(b) An applicant for certification who is certified or licensed in another state shall submit to the Committee:

1. A completed application form;

2. Verification of licensure or certification in good standing in another state;

3. Proof that the applicant has current certification in Basic Life Support (BLS) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.;

4. Two affidavits of good moral character;

5. A copy of the current statutes and regulations regarding massage, bodywork and somatic therapy from the state in which the applicant is certified or licensed; and

6. The application fee set forth in N.J.A.C. 13:37-5.5(e).

(c) The Committee shall review the statutes and regulations of the other state to determine if the educational requirements of that state are substantially similar to the certification requirements in this State, and the applicant otherwise meets the other requirements for certification set forth in (b) above. If the Committee finds that the educational requirements are substantially similar, and that the applicant meets the requirements for certification set forth in (b) above, it shall issue a certificate to the applicant if the applicant is not disqualified for certification pursuant to the provisions of N.J.S.A. 45:1-14 et seq.

13:37-16.6 Renewal of certification

(a) Certifications shall be renewed biennially on a form provided by the Committee. Each applicant shall attest that the continuing education requirements of N.J.A.C. 13:37-16.11 have been completed during the prior biennial period.

(b) The Committee shall send a notice of renewal to each certificant, at least 60 days prior to the expiration of the certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) The certificant shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:37-5.5(e) prior to the date of expiration of the certificate. If the certificant does not renew the certificate prior to its expiration date, the certificant may renew it no later than 30 days after its expiration date by submitting a renewal application

Board of Nursing Regulations

and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:37-5.5(e). A certificant who fails to renew the certificate within 30 days after the expiration date of the certificate shall be suspended without a hearing.

(d) Individuals who continue to hold themselves out as State certified massage, bodywork and somatic therapists after being suspended shall be deemed to have violated N.J.A.C. 13:37-16.9, even if no notice of suspension had been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of certification shall submit the following to the Committee:

1. A complete reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:37-5.5(e);
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:37-5.5(e);
4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:37-16.11 for the renewal of a certificant certification; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(f) A person seeking reinstatement after more than five years following the suspension of a certification shall satisfy the requirements of (e) above and shall successfully complete the examination required for initial certification as set forth in N.J.A.C. 13:37-16.4(a)2.

(g) Renewal applications for all certificates shall provide the certificant with the option of either active or inactive renewal. Certificants electing to renew as inactive shall not hold themselves out to the public as State certified massage, bodywork and somatic therapists.

(h) Upon application to the Committee, the Committee may permit a certificant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required per biennial period for each biennial period that the applicant is on inactive status and holds current certification in Basic Life Support (BLS) from a course approved by the American Heart Association or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc.

13:37-16.7 Scope of practice

(a) A certificant shall only practice those methods of massage, bodywork and somatic therapy which:

1. The certificant learned during his or her initial training as outlined in N.J.A.C. 13:37-16.3(b);
2. The certificant learned during a course offered by a provider approved by the NCBTMB or NCCAOM, or which is offered by a school which is approved by an agency recognized by the United States Department of Education or offered by a school which is approved by the New Jersey Department of Education, or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education as set forth in N.J.S.A. 18A:69-1 et seq. and N.J.A.C. 6A:18-1; or
3. The certificant developed and which are taught in a course offered by a provider approved by the NCBTMB or NCCAOM.

(b) Notwithstanding any training received as permitted by (a) above, a certificant shall not perform:

1. Colonic irrigations;
2. Prostate massages;
3. Vaginal or penile massages;
4. Decongestive therapy;
5. Manual lymph drainage used as part of decongestive therapy;
6. Animal therapies prohibited by the Veterinary Medical Act, N.J.S.A. 45:16-1 et seq.;
7. Any application of electrical current to the body (Transcutaneous Electronic Nerve Stimulation, TENS, machine);
8. Ultrasound therapy; and
9. Treatment or diagnosis of illness, disease, impairment or disability.

13:37-16.8 Infection control precautions

(a) Certificants shall comply with the standard precautions for infection control as set forth in this section.

(b) Certificants shall wash hands with liquid disinfectant soap and water in the following instances:

1. Before and after providing massage, bodywork and somatic therapies for each client; or
2. Immediately upon contact with blood, body fluids, secretions or any item that has

Board of Nursing Regulations

- touched a patient or that has been contaminated with blood, bodily fluids or secretions, not including sweat.
- (c) If hand washing facilities are not available, certificants shall disinfect their hands with a bactericidal agent.
 - (d) Liquid soap containers shall not be refilled and shall be disposed of when empty.
 - (e) Clean linens and drapes or disposable coverings shall be used for each client.
 - (f) Soiled disposable items shall be discarded into a container lined with a plastic bag, securely fastened, and disposed daily into the regular trash disposal, unless otherwise specified by State and local health regulations.
 - (g) A hospital-grade disinfectant registered with the Environmental Protection Agency (EPA) shall be used to disinfect:
 - 1. Any equipment, that comes in contact with a client, prior to the provision of massage, bodywork and somatic therapies for a client;
 - 2. Exposed surfaces such as counter tops, tables and sinks on a daily basis;
 - 3. Any implement or tools used during massage, bodywork and somatic therapy;
 - 4. Face cradles and arm rests on all massage chairs and tables; and
 - 5. All ice and heat pack equipment.
 - (h)-(i) (Reserved)
 - (j) Certificants shall store all single service materials and linens off the floor in shelves, containers, cabinets or closets.
 - (k) Soiled linens and draping materials shall be either commercially laundered or washed in a clothes washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high heat setting in a clothes dryer.
 - (l) Clean linens and dirty linens shall be stored separately.
 - (m) Clean linens and trash shall be stored separately.
 - (n) When a certificant is providing massage, bodywork and somatic therapy in a temporary location, such as a sporting event, the certificant shall sanitize all equipment pursuant to this section.
 - (o) Certificants shall maintain a clean environment in the massage, bodywork and somatic therapy establishment and shall ensure that the massage, bodywork and somatic therapy establishment is well-lit and ventilated. Certificants shall maintain the area where massage, bodywork and somatic therapy is being performed free of animals except as provided by law.
 - (p) Certificants shall provide access to a restroom for clients in the massage, bodywork and somatic therapy establishment.

13:37-16.9 Designations for certified persons, prohibitions on uncertified persons

- (a) An active certificant may use the title "massage, bodywork and somatic therapist" or "certified massage, bodywork and somatic therapist," "massage and bodywork therapist," "registered massage, bodywork and somatic therapist," "certified massage therapist," "certified oriental bodywork therapist," "certified Asian bodywork therapist," "certified bodywork therapist," "certified massage therapist" or the abbreviations "MBT," "CMBT," "RMBT," "CMBST," "COBT," "CABT," "CBT," or "CMT."
- (b) No person, business entity or its employees, agents or representatives shall use the titles "massage, bodywork and somatic therapist," "registered massage, bodywork and somatic therapist," "certified massage, bodywork and somatic therapist," "certified massage therapist," "certified bodywork therapist," or "certified somatic therapist" or the abbreviations "MBT," "RMBT," "CMBT," "CMBST," "COBT," "CABT," "CST," "CBT," or "CMT," unless actively certified pursuant to the provisions of this subchapter.
- (c) No person may use the term "licensed massage therapist" or the abbreviation "LMT," unless they are licensed by another state and indicate the state by which they are licensed when identifying themselves.
- (d) A person who has a certification from a school, has passed a certifying examination or is certified by an agency, but is not certified by New Jersey pursuant to this subchapter, shall not hold himself or herself out as being certified.
- (e) Nothing in this subchapter shall be construed to prohibit any person from rendering massage, bodywork and somatic therapy services as defined in N.J.A.C. 13:37-16.2 provided that person is not represented by the titles, abbreviations or designations referred to in (a) above.
- (f) No certificant shall use a title which does not accurately reflect the certificant's education and areas of expertise.

13:37-16.10 Display of certification

- (a) Certificants shall display their certificate of certification in view of clients whenever providing massage, bodywork and somatic services in their place of business or office.

Board of Nursing Regulations

(b) Whenever certificants provide massage, bodywork and somatic services outside of their place of business or office they shall display the certificate of certification while providing services.

(c) A certificant shall display either the original certificate of certification or a duplicate certificate obtained from the Committee.

13:37-16.11 Continuing education, programs, standards

(a) Upon biennial certification renewal, certificants shall attest that they have completed courses of continuing education of the types and number of credit hours specified in (b), (c), (d) and (e) below. Falsification of any information submitted on the renewal application may require an appearance before the Committee and may subject a certificant to penalties and/or suspension or revocation of the certification pursuant to N.J.S.A. 45:1-21 through 25.

(b) Each applicant for biennial license renewal shall be required to obtain current certification in Basic Life Support (BLS) from a course approved by the Red Cross or American Heart Association, or a substantially similar course approved by the American Red Cross, the National Safety Council, Coyne First Aid, Inc., the American Safety and Health Institute or EMP International Inc., and to complete during the preceding biennial period, except as provided in (c) below, a minimum of 20 credit hours of continuing education related to the practice of massage, bodywork and somatic therapy. Courses that are related solely to the business practices of certificants shall not satisfy continuing education requirements.

(c) A certificant who is certified in the second year of a biennial renewal period shall be required to complete 10 credit hours of continuing education.

(d) A certificant who completes more than the minimum continuing education credit hours set forth above in any biennial registration period may carry no more than 20 of the additional credit hours into a succeeding biennial period.

(e) A certificant may obtain continuing education credit hours from the following:

1. Successful completion of continuing education courses or programs related to the practice of massage, bodywork and somatic therapy, approved by, or offered by providers approved by: the NCBTMB; the NCCAOM; the American Massage Therapy Association (AMTA); the American Organization for Bodywork Therapies of Asia (AOBTA); the Association of Bodywork and Massage Professionals (ABMP); and the American Nurses Credentialing Center (ANCC): one credit hour for each hour of attendance;
2. Successful completion of continuing education courses or programs related to the practice of massage, bodywork and somatic therapy provided the presentation of the courses or programs are pre-approved by the Committee pursuant to (h) below, prior to the presentation of the course: one credit hour for each hour of attendance;
3. Successful completion of continuing education courses or programs related to the practice of massage, bodywork and somatic therapy given by a school of massage, bodywork or somatic therapy that meets the requirements of N.J.A.C. 13:37-16.3(b): one credit hour for each hour of attendance;
4. Successful completion of a course, related to the practice of massage, bodywork and somatic therapy, given by a school, college or university accredited by the New Jersey Department of Education or an agency of another state with requirements substantially similar to the requirements of the New Jersey Department of Education: one credit hour for each hour of attendance;
5. Teaching a new continuing education program related to massage, bodywork and somatic therapy that is approved pursuant to (e)1, 2 or 3 above; "new" means that the certificant has never taught or developed curriculum for that course program in any educational setting: one credit hour for each hour taught;
6. Authorship of a textbook or a chapter of a textbook directly related to the practice of massage, bodywork and somatic therapy: four credit hours for each chapter up to 20 credit hours;
7. Authorship of a published article, which has been refereed through peer review related to the practice of massage, bodywork and somatic therapy, in a medical or health related journal: four credit hours; and
8. Presenting a new seminar or lecture to professional peers, provided the seminar or lecture is at least one hour long; "new" means that the certificant has never presented the seminar or lecture before: one credit hour for each hour of presentation.

Board of Nursing Regulations

(f) The Committee should perform audits on randomly selected certificants to determine compliance with continuing education requirements. A certificant shall maintain the following documentation for a period of four years after completion of the credit hours and shall submit such documentation to the Committee upon request:

1. For attendance at programs or courses: a certificate of completion from the sponsor;
2. For publication of textbook or article: the published item, including the date of publication;
3. For developing curriculum or teaching a course or program: documentation, including a copy of the curriculum, location, date and time of course, duration of course by hour, and letter from sponsor confirming that the certificant developed or taught the course or program; and
4. For presenting a lecture or seminar: documentation including the location, date and duration of the lecture or seminar.

(g) The Committee may waive the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service.

1. A certificant seeking a waiver of the continuing education requirements shall apply to the Committee in writing at least 90 days prior to certificate renewal and set forth in specific detail the reasons for requesting the waiver. The certificant shall provide the Committee with supplemental materials that support the request for waiver.
2. A waiver of continuing education requirements granted pursuant to this subsection shall only be effective for the biennial period in which such waiver is granted. If the condition(s) which necessitated the waiver continue(s) into the next biennial period, a certificant shall apply to the Committee for the renewal of such waiver for the new biennial period.

(h) Sponsors of continuing education programs or courses seeking Committee approval shall:

1. Obtain Committee approval prior to representing that any course, seminar or program fulfills the requirements of this section;
2. Submit the following for each course or program offered, for evaluation by the Committee, at least 90 days prior to presenting the course:
 - i. A detailed description of course content and the hours of instruction; and
 - ii. A curriculum vitae of each lecturer, including specific background which qualifies the individual as a lecturer in the area of instruction;
3. Submit a fee pursuant to N.J.A.C. 13:37-5.5(e) for each submission of course or program offering(s) for which Committee approval is sought.

(i) The Committee may direct or order a certificant to complete continuing education credit hours:

1. As part of a disciplinary or remedial measure in addition to the required 20 hours of continuing education; or
2. To correct a deficiency in the certificant's continuing education requirements.

(j) Any continuing education credit hours completed by the certificant in compliance with an order or directive from the Committee as set forth in (i) above shall not be used to satisfy the minimum continuing education requirements as set forth in this section.

13:37-16.12 Sexual misconduct

(a) The purpose of this section is to identify for certificants conduct which shall be deemed sexual misconduct.

(b) As used in this section, the following terms have the following meanings unless the context clearly indicates otherwise:

"Certificant" means any person who holds a certificate from the Committee as a massage, bodywork and somatic therapist.

"Client" means any person who is the recipient of massage, bodywork or somatic therapy.

"Client-therapist relationship" means a relationship between a certificant and a client wherein the certificant owes a continuing duty to the client to render massage, bodywork or somatic therapy services consistent with his or her training and experience.

"Sexual conduct" means the knowing touching of a person's body directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the certificant's own prurient interest or for sexual arousal or gratification.

"Sexual contact" includes, but is not limited to, the imposition of a part of the certificant's body upon a part of the client's body, sexual penetration, or the insertion or imposition of any object or any part of a certificant or client's

Board of Nursing Regulations

body into or near the genital, anal or other opening of the other person's body. "Sexual contact" does not include the touching of a client's body which is necessary during the performance of a generally accepted and recognized massage, bodywork and somatic therapy procedure.

"Sexual harassment" means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a certificant's activities or role as a provider of massage, bodywork and somatic therapy services, and that either: is unwelcome, is offensive to a reasonable person, or creates a hostile workplace environment, and the certificant knows, should know, or is told this; or is sufficiently severe or intense to be abusive to a reasonable person in that context. "Sexual harassment" may consist of a single extreme or severe act or of multiple acts and may include, but is not limited to, conduct of a certificant with a client, co-worker, employee, student or supervisee whether or not such individual is in a subordinate position to the certificant.

"Spouse" means the husband, wife or fiancée of the certificant or an individual involved in a long-term committed relationship with the certificant. For purposes of the definition of "spouse," a long-term committed relationship means a relationship which is at least six months in duration.

(c) A certificant shall not engage in sexual contact with a client with whom he or she has a client-therapist relationship. The client-therapist relationship is ongoing for purposes of this section, unless the last massage, bodywork and somatic therapy was rendered more than three months ago.

(d) A certificant shall not seek or solicit sexual contact with a client with whom he or she has a client-therapist relationship and shall not seek or solicit sexual contact with any person in exchange for professional services.

(e) A certificant shall not engage in any discussion of an intimate sexual nature with a person with whom the certificant has a client-therapist relationship, unless that discussion is directly related to a proper massage, bodywork and somatic therapy purpose. Such discussion shall not include disclosure by the certificant of his or her own sexual relationships.

(f) A certificant shall provide privacy and therapy conditions which prevent the exposure of the unclothed body of the client. Appropriate draping measures shall be employed to protect client privacy.

(g) A certificant shall not engage in sexual harassment either within or outside of the professional setting.

(h) A certificant shall not engage in any other activity which would lead a reasonable person to believe that the activity serves the certificant's personal prurient interests or which is for the sexual arousal, or sexual gratification of the certificant or client or which constitutes an act of sexual abuse.

(i) Violation of any of the prohibitions or directives set forth in (c) through (h) above shall constitute professional misconduct pursuant to N.J.S.A. 45:1-21(e).

(j) Nothing in this section shall be construed to prevent a certificant from rendering massage, bodywork or somatic therapy to a spouse, providing that the rendering of such massage, bodywork or somatic therapy is consistent with accepted standards of massage, bodywork or somatic therapy and that the performance of therapy is not utilized to exploit the spouse for the sexual arousal or sexual gratification of the certificant.

(k) It shall not be a defense to any action under this section that:

1. The client solicited or consented to sexual contact with the certificant; or
2. The certificant is in love with or held affection for the client.

13:37-16.13 Advertising and solicitation practices

(a) A certificant may provide information to the public by advertising in print or electronic media pursuant to this section.

(b) The following words and terms, when used in this section, shall have the following meanings unless the content clearly indicates otherwise:

"Advertisement" means any attempt directly or indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services related thereto from a certificant.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, flyers, billboards, signs, business cards, matchcovers and other similar items, documents or comparable publications, the content of which is disseminated by means of the printed work.

"Electronic media" means radio, television and internet.

(c) A certificant who engages in the use of advertising which contains any of the following shall be deemed to be engaged in professional misconduct:

1. Any statement, claim or format which is false, fraudulent, misleading or deceptive;
2. Any promotion of a professional service for which the certificant has not received education or training to perform; or

Board of Nursing Regulations

3. The communication of any fact, data or information which may personally identify a client without that client's signed written permission obtained in advance.
- (d) The Committee may require a certificant to substantiate the truthfulness of any assertion or representation set forth in an advertisement. Failure of a certificant to provide factual substantiation to support a representation or assertion shall be deemed professional misconduct.
- (e) All advertisements shall include:
 1. The certificant's first name, or first initial of the first name, and the certificant's full last name;
 2. The certificant's address or telephone number; and
 3. The terms "N.J. Cert. #" followed by the certificant's certificate number.
- (f) If an entity advertises under a professional name the entity must identify at least one certificant's first name, or first initial of the first name, and the certificant's full last name, certificant number and telephone or address.
- (g) A video or audio tape of every advertisement communicated by electronic media shall be retained by the certificant and shall be made available for review upon request by the Committee or its designee. A copy of any advertisement appearing in the print media shall also be retained by the certificant and made available for review. The tapes and print media copies required to be retained by this subsection shall be kept for a minimum period of three years from the date of the last authorized publication or dissemination of the advertisement.
- (h) Certificants who are on inactive status pursuant to N.J.A.C. 13:37- 16.6(g) shall not hold themselves out to the public as State certified massage, bodywork and somatic therapists.

13:37-16.14 Recordkeeping

- (a) Certificants shall make contemporaneous, permanent entries into client records which shall accurately reflect the massage, bodywork and somatic services rendered. Client records shall be maintained for a period of seven years from the date of the most recent entry. The client record shall contain, at a minimum:
 1. Intake record;
 2. The dates of each service;
 3. Reasons for visits;
 4. The name of the certificant who provided services if there is more than one certificant practicing at the office;
 5. Modalities used and areas of focus on the body;
 6. Any referral to another healthcare professional; and
 7. Fees charged and paid.
- (b) Corrections and/or additions may be made to a client record, provided that each change is clearly identified as such, dated and initialed by the certificant.
- (c) A client record which is prepared and maintained on a personal or other computer shall be prepared and maintained as follows:
 1. The client record shall contain at least two forms of identification, for example, name and record number or any other specific identifying information;
 2. The entry made by the certificant shall be made contemporaneously with the service and shall contain the date of service, date of entry, and full printed name of the certificant. The certificate shall finalize or "sign" the entry by means of a confidential personal code (CPC) and include the date of the "signing";
 3. The computer system shall contain an internal permanently activated date and time recordation for all entries, and shall automatically prepare a back-up copy of the file; and
 4. Where more than one certificant is authorized to make entries into the computer file of any provision of massage, bodywork and somatic therapies, the certificant responsible for the practice shall assure that each such person obtains a CPC and uses the file program in the same manner.
- (d) Certificants shall provide access to client records to a client or an authorized representative in accordance with the following:
 1. No later than 30 days from receipt of a written request from a client or an authorized representative, the certificant shall provide a copy of the client record, and/or billing records as may be requested;
 2. The certificant may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less; and
 3. If the client or a subsequent treating health care professional is unable to read the client

Board of Nursing Regulations

record, because it is illegible, the certificant, upon request, shall provide a typed transcription of the record. If the record is in a language other than English, the certificant shall also provide a translation.

(e) Certificants shall maintain the confidentiality of professional records, except that:

1. The certificant shall release client records as directed by a subpoena issued by the Board, the Committee, or the Office of the Attorney General, or by a demand for statement in writing under oath, pursuant to N.J.S.A. 45:1- 18. Such records shall be originals, unless otherwise specified, and shall be unedited, with full client names; and
2. The certificant shall release information as required by statute or regulation.

(f) Where the client has requested the release of a client record or a portion thereof to a specified individual or entity, in order to protect the confidentiality of the records, the certificant shall:

1. Secure and maintain a current written authorization, bearing the signature of the client or an authorized representative;
2. Assure that the scope of the release is consistent with the request;
3. Forward the records to the attention of the specific individual identified in the request; and
4. Mark the material "Confidential."

13:37-16.15 Change in address of record or name

(a) A certificant shall notify the Committee in writing within 30 days of changes to:

1. The certificant's address of record. Service to the address of record registered with the Committee shall constitute effective notice pursuant to N.J.A.C. 13:45-3.2; or
2. The certificant's legal name. Notification of a name change shall include a copy of the marriage certificate or a court order which authorized the legal name change.

13:37-16.16 Informed consent

(a) Prior to providing an initial service to a client, a certificant shall have the client read and sign an informed consent form which includes the following statement:

"Massage, bodywork and somatic therapy practices are designed to promote and maintain the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability. If I experience any pain or discomfort during this session, I will immediately inform the therapist so that the pressure and/or strokes may be adjusted to my level of comfort. Because massage, bodywork and somatic therapy may be contraindicated due to certain medical conditions, I affirm that I have informed the therapist of all my known medical conditions and will keep the therapist updated as to any changes in my medical condition."